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BOOK 1:
PAGES
19367–19674

BOOK 2:
PAGES
19675–20053

federal register

Book 1 of 2 Books
Tuesday, April 3, 1979

Highlights

NOTE—For Reader Aids, see the end of Book 1 of this issue

19369 **Days of Remembrance of Victims of the Holocaust** Presidential proclamation

19367 **Federal Emergency Management Agency** Executive order activating

19893–19970 **Medical Equipment** HEW/FDA issues proposal on development of general provisions in the classification of obstetrical and gynecological devices (Part VII of this issue) (70 documents)

19990 **Comprehensive Employment and Training Act** Labor/ETA promulgates final regulations for programs under Title I, II, VI and VII of the "Act"

19888 Labor/ETA issues notice to describe eligibility criteria for prime sponsor designation (Part VI of this issue)

19423 **Butane and Natural Gasoline Deregulation** DOE/ERA proposes amendments for exemption from Mandatory Petroleum Allocation and Price Regulations; comments by 5–18–79

Highlights

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19419 **Rural Housing Loans and Grants** USDA/FmHA proposes that loan or grant applicants and their controlling principals disclose previous participation in any FmHA, FHA, or HUD housing programs; comments by 6–4–79

19974 **Federal Employee Ethics** OPM issues interim regulations concerning post employment restrictions on Federal employees of the Ethics in Government Act of 1978; effective 4–3–79 and 7–1–79; comments by 5–15–79 (Part VIII of this issue)

19434 **Adverse Drug Experiences** HEW/FDA proposes to revise reporting requirements for marketed drug products; comments by 5–3–79

19443 **Safety in Government Buildings and on Government Grounds** GSA proposes to amend regulations regarding the protection of employees and property by streamlining the reporting of criminal acts to the Federal Protective Service

19427 **Energy** DOE/ERA gives notice of intent to issue interim rules to implement the Powerplant and Industrials Fuel Use Act of 1978

19387 **Securities** SEC rules on registration of an indefinite number of investment company shares; effective 4–21–79

19371, 19372 **Exotic Newcastle Disease and Psittacosis or Ornithosis in Poultry** USDA/APHIS rules on restrictions for interstate movement from quarantined areas; effective 3–28–1979

19389 **GRAS Substances** HEW/FDA affirms agar-agar as generally recognized as safe as a direct human food ingredient; effective 5–4–79

19430 HEW/FDA proposes to affirm acetic acid and certain acetates as generally recognized as safe for use in human food; comments by 6–4–79

19387 **Natural Gas** DOE/FERC amends regulations regarding filing requirements for independent producers

19616 **Sunshine Act Meetings**

Separate Parts of This Issue

19678 Part II, USDA/APHIS
19788 Part III, USDA/APHIS
19822 Part IV, USDA/APHIS
19840 Part V, USDA/APHIS
19888 Part VI, Labor/ETA
19894 Part VII, HEW/FDA
19974 Part VIII, OPM
19990 Part IX, Labor/ETA

Contents

Federal Register
Vol. 44, No. 65
Tuesday, April 3, 1979

THE PRESIDENT

Executive Orders:

19367 Federal Emergency Management Agency, activation (EO 12127)

Proclamations

19369 Days of Remembrance of Victims of the Holocaust (Proc. 4652)

EXECUTIVE AGENCIES

Aging, Federal Council

NOTICES

Meetings:

19535 Long Term Care Committee.

Agriculture Department

See Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Air Force Department

NOTICES

Meetings:

19503 Scientific Advisory Board.

Animal and Plant Health Inspection Service

RULES

Animal and plant poultry import restrictions:

19373 Harry S. Truman Animal Import Center; embarkation quarantine facilities for rinderpest and foot-and-mouth disease.

Livestock and poultry quarantine:

19371, 19372 Exotic Newcastle disease (2 documents).

PROPOSED RULES

Animal and poultry import restrictions:

19432 Bird importation, quarantine facilities.

NOTICES

Animal welfare; lists:

19678 Dealers, licensed.
19788 Exhibitors, licensed.
19822 Exhibitors, registered.
19840 Research facilities, registered.

Army Department

See also Engineers Corps.

NOTICES

Meetings:

19504 Coastal Engineering Research Board.

Civil Aeronautics Board

NOTICES

Foreign air carriers; denied boarding compensation; noncompliance.

Hearings, etc.:

19501 Air Canada.
19499 Eastern Air Lines, Inc.
19499 Los Angeles/San Diego/St. Louis/Kansas City-Hawaii show cause proceeding.
19500 Southwest Airlines automatic market entry investigation.
19499 Improving Government regulations.
19500 Information declassification; systematic review guidelines.

Commerce Department

See Economic Development Administration; Foreign-Trade Zones Board; Industry and Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation

RULES

Loan and purchase programs:

19371 Rice.

PROPOSED RULES

Loans and purchase programs:

19416 Cotton; warehouse approval standards.
19411 Grain, rice, etc.; warehouse approval standards.
19413 Processed agricultural commodities; dry and cold storage warehouse approval standards.

NOTICES

19616 Meetings; Sunshine Act.

Commodity Futures Trading Commission

NOTICES

19616 Meetings; Sunshine Act.

Comptroller of Currency

RULES

19374 Practices and procedure rules.

Customs Service

RULES

Organization and functions; field organization; ports of entry, etc.:

19389 Sault Ste. Marie, Mich., et al.; correction.

Defense Department

See also Air Force Department; Army Department; Engineers Corps.

NOTICES

Meetings:

19505 Electron Devices Advisory Group.

Economic Development Administration

PROPOSED RULES

19427 Redevelopment areas; financial assistance eligiblity designation.

Economic Regulatory Administration

PROPOSED RULES

Petroleum allocation and price regulations:

19423 Butane and natural gasoline deregulation.

Powerplant and industrial fuel use:

19427 New and existing facilities; extension of time.

NOTICES

Industrial plants burning natural gas or petroleum products, prohibition orders:

19506 Northeast Utilities (2 documents).

19507 Public Service Co. of New Hampshire.

Employment and Training Administration
RULES
19990 Comprehensive Employment and Training Act Regulations.
NOTICES
Comprehensive Employment and Training Act programs:
19888 Prime sponsor designations; preapplications.
Meetings:
19551 Apprenticeship Federal Committee.

Employment Policy National Commission
NOTICES
19557 Hearings.

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission; Western Area Power Administration.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
19504 Carolina Beach Inlet Navigation project; proposed.
19504 Currituck County, N.C.; proposed Atlantic Intracoastal Waterway Bridge replacement project.
19505 Dry Lake to Devils Lake, Water Diversions Channel; Ramsey County, N. Dak.

Environmental Protection Agency
NOTICES
Pesticides, experimental use permit applications:
19534 Carbaryl.

Equal Employment Opportunity Commission
NOTICES
Authority delegations:
19534 Merit Systems Protection Board; issuance of recommended decisions by hearing examiners.
19535 Merit Systems Protection Board; issuance of Federal EEO appeals.

Farmers Home Administration
PROPOSED RULES
Rural housing loans and grants:
19419 Disclosure of previous participation in FmHA or HUD housing programs

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
19387 Independent producer filing requirements
NOTICES
Hearings, etc.:
19508 Algonquin Gas Transmission Co.
19508 Algonquin LNG, Inc., et al.
19508, 19509 Arizona Public Service Co. (3 documents)
19509 Arkansas Louisiana Gas Co.
19510 Association of Oil Pipelines, et al.
19510 Broad River Electric Cooperative, Inc.
19511, 19512 Colorado Interstate Gas Co.
19512 Columbia Gas Transmission Corp. (2 documents)
19512 Columbia Gas Transmission Corp. et al.
19513 Connecticut Light & Power Co.
19514 Hewitt B. Fox, Inc., et al.
19514, 19515 Indiana & Michigan Electric Co. (2 documents)
19515 Indiana & Michigan Electric Co. et al. (2 documents)
19515 Kansas Power & Light Co.
19515 Kern County Refinery Inc.
19516 Lunday-Thagard Oil Co.
19516 Mid-Continent Areas Power Pool Agreement
19516 Montana-Dakota Utilities Co.
19516 Montana Power Co.
19532 National Gas Storage Corp.
19516, 19517 Northern Natural Gas Co. (3 documents)
19517 Northern States Power Co.
19518 Ohio Power Co. et al.
19519 Southern Natural Gas Co.
19525 Tennessee Gas Pipeline Co.
19526–19528 Transcontinental Gas Pipe Line Corp. (3 documents)
19529 Wisconsin Public Service Corp.
Natural Gas Policy Act of 1978:
19508, 19513, 19518, 19520, 19522, 19528, 19529 Determination process report receipts (7 documents)

Federal Home Loan Bank Board
NOTICES
19616 Meetings; Sunshine Act (3 documents)

Federal Insurance Administration
RULES
Flood elevation determination:
19400 Missouri; correction
Flood insurance; communities eligible for sale:
19397 Alaska et al.
Flood insurance; special hazard areas:
19399, 19400 Louisiana et al. (2 documents)

Federal Reserve System
NOTICES
19616 Meetings; Sunshine Act

Federal Trade Commission
RULES
Prohibited trade practices:
19384 American Society of Anesthesiologists, Inc.
NOTICES
Premerger notification waiting periods; early terminations:
19536 Babcock & Wilcox, Ltd.
19535 Greenberg, Joel W.

Fiscal Service
RULES
Authority delegations:
19406 Government Financial Operations Bureau, Commissioner; recognition of insurance covering treasury tax loan depositaries

Fish and Wildlife Service
RULES
Fishing:
19407 Lake Ilo National Wildlife Refuge, N. Dak.
19408 Lee Metcalf National Wildlife Refuge, Mont.

Food and Drug Administration
RULES
GRAS or prior-sanctioned ingredients:
19389 Agar-agar
PROPOSED RULES
Animal drugs, feeds, and related products:
19438 Records and reports on new animal drugs and antibiotic approved before June 20, 1963; extension of time
GRAS or prior sanctioned ingredients:
19430 Acetic acid, ammonium acetate, sodium acetate, and sodium diacetate
Human drugs:
19434 Adverse drug experiences; reporting requirements
Medical devices:
19438 Exemptions from Federal preemption; California application
19443 Exemptions from Federal preemption; California application; hearing
19893–19970 Medical devices, obstetrical and gynecological; classification (70 documents; *see* preamble of first document for complete listing)
NOTICES
Meetings:
19538 MIT Nitrate Chronic Toxicity studies
19537 Shellfish safety; memorandum of understanding with Iceland

Foreign-Trade Zones Board
NOTICES
Foreign-trade zone applications:
19502 Boston, Mass.
19502 Little Rock, Ark.

Forest Service
NOTICES
Environmental statements; availability, etc.:
19497 Arapaho and Roosevelt National Forest; Cache la Poudre Wild and Scenic River study, Colo.
19497 Mt. Baker-Snoqualmie National Forest, Silviculture, Roadway Corridor and Ski Run Area Vegetation Management Plan; Wash.
Meetings:
19497 Modoc National Forest Grazing Advisory Board

General Accounting Office
NOTICES
19536 Regulatory reports review; proposals, approvals, etc. (CFTC)

General Services Administration
RULES
Property management, Federal:
19406 Floodplain management and protection of wetlands; use of excess real property
PROPOSED RULES
Management of buildings and grounds:
19443 Employee and property protection; reporting of criminal acts
NOTICES
Authority delegations:
19536 Defense Department Secretary

Harry S. Truman Scholarship Foundation
NOTICES
19617 Meetings, Sunshine Act.

Health, Education, and Welfare Department
See Food and Drug Administration; National Institutes of Health.

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; additions, deletions, etc.:
19545, 19546 Alabama et al. (2 documents).

Housing and Urban Development Department
See also Federal Insurance Administration; Interstate Land Sales Registration Office.
RULES
19394 Building products certification programs; administrator qualifications and procedures; interim rule.
NOTICES
Authority delegations:
19543 Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Neighborhood Self-Help Development and Livable Cities Program.

Industry and Trade Administration
RULES
19383 Export licenses and reexport authorizations; documentation requirements.
NOTICES
Meetings:
19503 Computer Systems Technical Advisory Committee
19503 Management Labor Textile Advisory Committee

International Development Agency
NOTICE
19572 Response to Executive Order No. 12044

Interior Department
See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau; Reclamation Bureau.

Interstate Commerce Commission
NOTICES
19601 Fourth section applications for relief.
19600 Hearing assignments.
Motor carriers:
19574 Irregular route property carriers; gateway elimination.
19577 Permanent authority applications.
19601, 19608 Temporary authority applications (2 documents).
19593 Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications.
Petitions filing:
19600 Household Goods Carriers' Bureau.

Interstate Land Sales Registration Office
NOTICES
Land developers; investigatory hearings, orders of suspension, etc.:
19542 Swiss Village East.

Labor Department
See also Employment and Training Administration; Mine Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
19553 Arizona Agrochemical Company, Inc.
19556 Bellmore Coats et al.
19554 Buffalo Knitting Mills, Inc.
19554 Custom Stuffed Toys Co.
19555 Day's Inc.
19555 Fiesta Fashions, Inc.
19555 Industrial Service Centers, Inc.
19557 Jo Ann Coal Co.
19557 U.S. Handbags, Inc.

Land Management Bureau
RULES
Public land orders:
19406 Oklahoma; correction.
NOTICES
Withdrawal and reservation of lands, proposed, etc.:
19543 Alaska.

Legal Services Corporation
NOTICES
19617 Meetings; Sunshine Act.

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
19552 Eastover Mining Co.
19552 J&M Coal Co.
19552 O.C. Coal Co.
19553 Standard Sign and Signal Co.
19553 Tarheel Coals Co.

National Bureau of Standards
RULES
Policies and procedures:
19383 Witnesses; appearance of NBS employees in private litigation; correction.

National Institutes of Health
NOTICES
Meetings:
19539 Aging National Advisory Council.
19541 Arthritis, Metabolism, and Digestive Diseases Advisory Council.
19539 Blood Diseases and Resources Advisory Committee.
19539 Child Health and Human Development National Advisory Council.
19540 Dental Research National Advisory Council.
19541 Diabetes National Advisory Board.
19540 Neurological and Communicative Disorders and Stroke National Advisory Council (2 documents).
19541 Physicians Education in Cancer Nutrition, Workshop.
19541 Research Manpower Review Committee (2 documents).
19542 Tumor Immunology Committee.

National Oceanic and Atmospheric Administration
RULES
Whaling:
19408 Bowhead whales, taking by Indians, Aleuts, or eskimos for subsistence purposes.
PROPOSED RULES
Fishery conservation and management:
19444 Stone crabs.

National Science Foundation
RULES
19406 Conduct standards; financial interests arising from minor contracts; exemptions

Nuclear Regulatory Commission
NOTICES
Hearings; etc.:
19560 Consolidated Edison Co. of New York, Inc.
19560 Florida Power & Light Co.
19561 Georgia Power Co. et al.
19562 New England Power Co. et al.
19561, 19562 Niagara Mohawk Power Corp. (2 documents).
19558 Puget Sound Power & Light Co., et al.
19558 Virginia Electric & Power Co. et al.
19561 International Atomic Energy Agency codes of practice and safety guides; availability of drafts
Meetings:
19558, 19559 Reactor Safeguards Advisory Committee (2 documents).
19617 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
RULES
Reporting and disclosure requirements:
19400 Annual report, summary; format.

Personnel Management Office
RULES
19974 Post employment conflict of interest

Railroad Retirement Board
NOTICES
19617 Meetings; Sunshine Act

Reclamation Bureau
NOTICES
Contract negotiations:
19544 Oroville-Tonasket irrigation district, Chief Joseph Dam project, Wash.

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
19498 Colorado-Ute Electric Association, Inc.
19498 Kamo Electric Cooperative, Inc.

Securities and Exchange Commission
RULES
19386 Financial statements, etc.; technical amendments
19387 Investment company shares; registration

NOTICES
Hearings, etc.:
19562 American Variable Annuity Life Assurance Co. et al.
19564 Columbia Gas Transmission Corp.
19565 Enervest, Inc.
19569 North Carolina Tax-Exempt Bond Fund et al.
19566 Ready Reserves Trust.
19567 Rowe Price New Horizons Fund, Inc., et al.
19568 Scudder Managed Reserves, Inc.
Self-regulatory organizations; proposed rule changes:
19565 New York Stock Exchange, Inc.

Small Business Administration
NOTICES
Authority delegations:
19572 Field offices; program activities.
Disaster areas:
19572 New Mexico.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
19498 Horse Pasture Creek Watershed, Va.

State Department
RULES
19391 Foreign service officers appointments; policy and procedures
Passports:
19393 Personal appearance for certain applicants aboard, waiver; photograph requirements.

Treasury Department
See Comptroller of Currency; Customs Service; Fiscal Service.

Western Area Power Administration
NOTICES
Power rate adjustment:
19533 Colorado River Storage Project.

CFR PARTS AFFECTED

3 CFR
Proclamations:
4652 19369
Executive Orders:
12127 19367

5 CFR
737 19974

7 CFR
1421 19371
Proposed Rules:
1421 19411
1423 19413
1424 19413
1427 19416
1434 19413
1822 19419
1933 19419

9 CFR
82 (2 documents)...19371, 19372
92 19373
Proposed Rules:
92 19423

10 CFR
Proposed Rules:
210 19423
211 19423
212 19423
500 19427
501 19427
502 19427
503 19427
504 19427
505 19427
506 19427
507 19427

12 CFR
19 19374
24 19374

13 CFR
Proposed Rules:
302 19427

15 CFR
275 19383
375 19383

16 CFR
13 19384

17 CFR
210 19386
240 19386
270 19387
275 19386

18 CFR
154 19387
157 19387

19 CFR
101 19389

20 CFR
675 19990
676 19990
677 19990
678 19990
679 19990

21 CFR
184 19389
Proposed Rules:
182 19430
184 19430
186 19430
310 19434
314 19434
413 19434
510 19438
808 (2 documents)...19438, 19443
884 (70 documents)...19894–19970

22 CFR
11 19391
51 19393

24 CFR
200 19394
1914 19397
1915 (2 documents)...19399, 19400
1917 19400

29 CFR
2520 19400

31 CFR
226 19406

41 CFR
101–47 19406
Proposed Rules:
101–20 19443

43 CFR
Public Land Orders:
5660 19406

45 CFR
602 19406

50 CFR
33 (2 documents)...19407, 19408
230 19408
Proposed Rules:
654 19444

presidential documents

TITLE 3—
THE PRESIDENT

Executive Order 12127 of March 31, 1979

Federal Emergency Management Agency

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 304 of Reorganization Plan No. 3 of 1978, and in order to provide for the orderly activation of the Federal Emergency Management Agency, it is hereby ordered as follows:

1-101. Reorganization Plan No. 3 of 1978 (43 FR 41943), which establishes the Federal Emergency Management Agency, provides for the transfer of functions, and the transfer and abolition of agencies and offices, is hereby effective.

1-102. The Director of the Office of Management and Budget shall, in accord with Section 302 of the Reorganization Plan, provide for all the appropriate transfers, including those transfers related to all the functions transferred from the Department of Commerce, the Department of Housing and Urban Development, and the President.

1-103. (a) The functions transferred from the Department of Commerce are those vested in the Secretary of Commerce, the Administrator and Deputy Administrator of the National Fire Prevention and Control Administration (now the United States Fire Administration (Sec. 2(a) of Public Law 95-422)), and the Superintendent of the National Academy for Fire Prevention and Control pursuant to the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 *et seq.*) but not including any functions vested by the amendments made to other acts by Sections 18 and 23 of that Act (15 U.S.C. 278f and 1511). The functions vested in the Administrator by Sections 24 and 25 of that Act, as added by Sections 3 and 4 of Public Law 95-422 (15 U.S.C. 2220 and 2221), are not transferred to the Director of the Federal Emergency Management Agency. Those functions are transferred with the Administrator and remain vested in him. (Section 201 of the Plan.)

(b) There was also transferred from the Department of Commerce any function concerning the Emergency Broadcast System which was transferred to the Secretary of Commerce by Section 5B of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

1-104. The functions transferred from the Department of Housing and Urban Development are those vested in the Secretary of Housing and Urban Development pursuant to Section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), and the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 *et seq.*), and Section 520(b) of the National Housing Act, as amended (12 U.S.C. 1735d(b)), to the extent necessary to borrow from the Treasury to make payments for reinsured and directly insured losses, and Title XII of the National Housing Act, as amended (12 U.S.C. 1749bbb *et seq.*, and as explained in Section 1 of the National Insurance Development Act of 1975 (Section 1 of Public Law 94-13 at 12 U.S.C. 1749bbb note)). (Section 202 of the Plan.)

1–105. The functions transferred from the President are those concerning the Emergency Broadcast System which were transferred to the President by Section 5 of Reorganization Plan No. 1 of 1977 (42 FR 56101; implemented by Executive Order No. 12046 of March 27, 1978). (Section 203 of the Plan.)

1–106. This Order shall be effective Sunday, April 1, 1979.

Jimmy Carter

THE WHITE HOUSE,
March 31, 1979.

[FR Doc. 79–10415
Filed 4–2–79; 10:46 am]

Billing code 3195–01–M

Proclamation 4652 of April 2, 1979

Days of Remembrance of Victims of the Holocaust April 28 and 29, 1979

By the President of the United States of America

A Proclamation

Thirty-four years ago today the United States Armed Forces liberated the Dachau concentration camp during the closing days of World War II in Europe. Words alone cannot convey the shock and horror that accompanied this tangible evidence of the Nazi regime's systematic program of genocide.

Dachau and other death-centers like Buchenwald, Auschwitz and Treblinka were the means by which the Nazi regime murdered six million Jewish people and millions of other victims in a planned program of extermination. These crimes have few if any equals in history. Their legacy left deep moral scars on all humankind. No one who participated in the liberation of these camps or who has studied their history can ever forget—least of all the quarter-of-a-million survivors who found a home and built a new life in this country after the war.

During my recent trip to Israel, I visited Yad Vashem, the Israeli memorial to the victims of the Holocaust. I vowed then, and I repeat now, that the world must never permit such events ever to occur again.

We must never forget these crimes against humanity. We must study and understand the record of the Holocaust. From this, we must learn to remain eternally vigilant against all tyranny and oppression. We must rededicate ourselves to the principle of equality and justice for all peoples, remembering the terrible fruits of bigotry and hatred.

A joint resolution of the Congress (H.J. Res. 1014) approved September 18, 1978, authorized and requested the President to issue a proclamation designating April 28 and 29, 1979, as "Days of Remembrance of Victims of the Holocaust."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate April 28 and April 29, 1979, as "Days of Remembrance of Victims of the Holocaust." I ask the people of the United States to observe this solemn anniversary of the liberation of Dachau with appropriate study, prayers and commemoration as a tribute to the spirit of freedom, justice and compassion which Americans fought to preserve.

On the recommendation of the President's Commission on the Holocaust, I also ask the people of the United States to note International Holocaust Commemoration Day of April 24, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

[FR Doc. 10436
Filed 4–2–79; 11:58 am]

Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 65
Tuesday, April 3, 1979

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.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

Grains and Similarly Handled Commodities; 1978 and Subsequent Crops Rice Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide that producers must furnish cooperatives a CCC–675, Designation of Eligibility, before the cooperative can pledge eligible rice for loan on behalf of producers. This rule is needed in order to permit producer members of cooperatives to participate in the price support program through their cooperatives.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Dalton Ustynik, (ASCS) (202) 447–6611.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** on December 12, 1978, 43 FR 58095 stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for 1979 crop rice. Such determinations included operational provisions needed to carry out the program. No comments were received concerning the operational provisions. However, it has been determined that producers must furnish their marketing cooperatives a CCC–675, Designation of Eligibility, before the cooperative can pledge the producers rice for loans.

Subparagraph (c)(4) of § 1421.303 is amended to provide that producers must furnish their cooperative a CCC–675, Designation of Eligibility before the rice will be eligible for loans to the cooperative. The amended section reads as follows:

§ 1421.303 Eligible producer.

* * * * *

(c) Quantity eligible for loan and purchase. * * *

(4) Designation of Eligibility. If an eligible producer is a member of an approved cooperative and delivers a quantity of rice produced on a farm to the cooperative for marketing, such rice shall not be deemed to be eligible rice unless the producer has furnished a CCC–675, Designation of Eligibility, to the cooperative showing the quantity of eligibility which the producer has designated to be delivered to the cooperative. The producer may cancel such designation in whole or in part at any time prior to delivery of the rice to the cooperative.

Authority: Secs. 4, 5, 62 Stat. 1070, 1072, as amended (15 U.S.C. 1441, 1421); sec. 102, 90 Stat. 183 (7 U.S.C. 1441); sec. 702, 91 Stat. 940 (7 U.S.C. 1441).

Note: This rule has been determined to be not significant under the USDA criteria implementing Executive Order 12044 and contains necessary operating decisions needed to implement the national average rice purchase rates announced on July 20, 1978. An approved Final Impact Statement is available from George Schaefer, ASCS, (202) 447–8480.

Signed at Washington, D.C., on March 23, 1979.

Ray Fitzgerald,
Executive Vice President.

[1978 and Subsequent Crops Rice Loan and Purchase Program, Amdt. 1]

[FR Doc. 79-10045 Filed 4-2-79; 8:45 am]
BILLING CODE 3410-05-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine an additional portion of Riverside County in California, an additional portion of Los Angeles County in California, an additional portion of Clark County in Nevada, and a portion of Dade County in Florida because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in additional portions of Los Angeles County, California, on March 21, 1979, of Riverside County, California, and Clark County, Nevada, on March 23, 1979, and in Dade County, Florida, on March 24, 1979. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine additional portions of Riverside County and Los Angeles County in California, an additional portion of Clark County in Nevada, and a portion of Dade County in Florida.

EFFECTIVE DATE: March 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Mixson, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, Maryland 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This amendment quarantines additional portions of Riverside County and Los Angeles County in California, an additional portion of Clark County in Nevada, and a portion of Dade County in Florida, because of the existence of exotic Newcastle disease in such areas. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended]

1. In § 82.3(a)(1), relating to the State of California, a new paragraph (xii) relating to Los Angeles County, and a new paragraph (xiii) relating to Riverside County are added to read:

(1) *California.*

* * * * *

(xii) The premises of Favorite Pets, Plaza Shopping Center, 11715 E. Plaza, Pioneer Boulevard, Norwalk, Los Angeles County.

(xiii) The premises of Richard Dennis, 9330 51st Street, Tedley, Riverside County.

* * * * *

2. In § 82.3(a)(3), relating to the State of Nevada, a new paragraph (ii) is added to read:

(3) *Nevada.*

* * * * *

(ii) The premises of Harold Mountain, 3825 Coral Reef Street, Las Vegas, Clark County.

3. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Florida and a new paragraph (a)(4) relating to the State of Florida is added to read:

* * * * *

(4) *Florida.* The premises of B. R. and Louise Slocum, Quality Birds Company, 6950 N.W. 70th Street, Miami, Dade County.

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

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, from the quarantined areas, and, therefore, must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 29th day of March 1979.

Note.—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum 1955. It has been determined by M. A. Mixson, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the possibility of the spread of exotic Newcastle disease into other States or Territories of the United States from the quarantined areas is severe enough to constitute an emergency which warrants the publication of this quarantine without waiting for public comment. This amendment, as well as the complete regulations, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum 1955. The review will include preparation of an Impact Analysis Statement which will be available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–8695.

Pierre A. Chaloux,
Deputy Administrator, Veterinary Services.

[FR Doc. 79-10218 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; Restrictions on Interstate Movement From Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to provide for the interstate movement of manure from poultry from areas quarantined because of exotic Newcastle disease. This action is needed to relieve restrictions no longer deemed necessary on the movement of manure from poultry that has been heated in a manner adequate to prevent the spread of exotic Newcastle disease. The effect of this action is to provide a means by which manure from poultry may be moved interstate from areas quarantined because of exotic Newcastle disease.

EFFECTIVE DATE: March 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. W. Walker, USDA, APHIS, VS, Federal Building, Room 714, Hyattsville, Maryland 20782, 301–436–8438.

SUPPLEMENTARY INFORMATION: Under existing regulations (9 CFR Part 82) no provision is made for the interstate movement of manure from poultry from areas quarantined because of exotic Newcastle disease. However, a prospective shipper has obtained and invested a substantial amount of money in facilities for processing manure from poultry from an area quarantined due to exotic Newcastle disease and has petitioned the Department to permit the interstate movement from a quarantined area of manure from poultry that has been heated in a manner adequate to prevent the spread of exotic Newcastle disease interstate. After a review of the procedures proposed for heating and handling the manure and inspection of the heat treating equipment and facilities to be used to produce the finished product, the Department has determined that manure from poultry which is heated and handled in the manner prescribed in this amendment can be safely moved interstate without danger of spreading exotic Newcastle disease. Therefore, the Department has concluded that the restrictions contained in the regulations which prohibit the interstate movement of manure from poultry from areas quarantined because of exotic Newcastle disease should be relaxed with minimum delay to avoid unwarranted interference with commerce and to provide relief for persons affected.

This amendment relieves the prohibition on the movement of manure from poultry from areas quarantined due to exotic Newcastle disease and adds four requirements to the regulations (9 CFR 82.4) which must be satisfied before manure from poultry is eligible for movement interstate. These requirements with the reason for each are as follows:

1. The manure must originate from poultry which are not known by a State or Federal inspector to be affected with exotic Newcastle disease. Also, such manure must not be moved onto or through any premises known by a State or Federal inspector to be affected with exotic Newcastle disease. This requirement is necessary to insure, to the extent possible, that manure arriving at the facility is free of exotic Newcastle disease virus. This precaution is necessary to reduce the risk of manure in the facility which has been heated coming into contact with unheated manure produced by poultry affected with exotic Newcastle disease and thereby being recontaminated.

2. The manure must have been heated throughout to a temperature of not less than 175°F (79.4°C). This is the minimal temperature needed to insure that any exotic Newcastle disease virus which could be present in the manure is destroyed. This precaution is necessary because manure may come from poultry which is affected with exotic Newcastle disease, but which has remained undetected in the poultry producing the manure.

3. The manure must be sealed in unused airtight containers immediately after heating and prior to its movement from the facility in which it is heated. The requirement that the containers be unused is to insure that such containers have not been previously contaminated with exotic Newcastle disease virus. The manure must be sealed in airtight containers as soon after being heated as it can be physically handled. This requirement will minimize the risk of the

manure being recontaminated by exotic Newcastle disease virus.

4. The shipper must furnish to a Federal inspector in the State of origin of the movement notorized declaration under oath or affirmation, stating the location of the poultry from which the manure originated and the name and address of the owner of such poultry; the quantity of manure to be moved; the destination of the shipment; and that all of the provisions of paragraphs (e) (1), (2), and (3) have been complied with. The reason for this requirement is to provide a Federal inspector in the state of origin with advance information concerning each shipment which will facilitate his confirmation, if required, that the manure being moved meets all of the requirements for interstate movement prior to its movement from the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is amended in the following respect:

In § 82.4, paragraph (e) is redesignated paragraph (f) and a new paragraph (e) is added to read:

§ 82.4 Restrictions on interstate movement from quarantined areas.

* * * * *

(e) Manure from poultry may be moved interstate from a quarantined area only if:

(1) The manure originates from poultry not known by a State or Federal inspector to be affected with exotic Newcastle disease, and is not moved onto or through any premises known by a State or Federal inspector to be affected with exotic Newcastle disease;

(2) The manure has been heated throughout to a temperature of not less than 175°F. (79.4°C.);

(3) The heated manure is sealed in unused, airtight, containers immediately after heating and prior to its movement from the facility in which it is heated; and

(4) Prior to the movement from the facility in which the manure is heated the shipper furnishes to a Federal inspector in the State of origin of the movement [2] a notorized declaration, under oath or affirmation, stating the location of the poultry from which the manure originated and the name and address of the owner of such poultry; the quantity of manure to be moved; the destination of the shipment; and that all of the provisions of paragraphs (e) (1), (2), and (3) of this section have been complied with.

* * * * *

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

This amendment relieves certain restrictions presently imposed and no longer deemed necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately in order to permit affected persons to move manure from poultry interstate from quarantined areas without unnecessary restrictions. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 28th day of March 1979.

Note—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum No. 1955. It has been determined by Dr. G. V. Peacock, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that the emergency nature of this rule, as indicated above, warrants the publication of this rule without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum 1955. The review will include preparation of an Impact Analysis Statement which will be available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–8695.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-10100 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

Importation of Certain Animals; Harry S. Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: This amendment provides authority for the Deputy Administrator, Veterinary Services, to approve additional embarkation quarantine facilities in foreign countries to be used in conjunction with the exportation of animals from rinderpest or foot-and-mouth disease infected countries to the United States through the Harry S. Truman Animal Import Center.

This action will result will result in the approval of additional embarkation quarantine facilities to be used in conjunction with the importation of animals into the United States through the Harry S. Truman Animal Import Center.

EFFECTIVE DATE: March 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. A. E. George, USDA, APHIS, VS, Federal Building, Room 822, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: Section 1 of the Act of May 6, 1970 (Pub. L. 91–239, 84 Stat. 202 (21 U.S.C. 135)), provides authority for the Secretary of Agriculture to establish and maintain a maximum security international animal quarantine station within the territory of the United States into which animals may be brought from any country, including but not limited to those countries in which rinderpest or foot-and-mouth disease (FMD) exists, and be subsequently moved into other parts of the United States, in accordance with conditions determined by the Secretary to be adequate to prevent the introduction into and dissemination within the United States of livestock or poultry diseases or pests.

In order to guard against the importation into the Harry S. Truman Animal Import Center of animals infected with diseases such as rinderpest and foot-and-mouth disease, it is necessary that such animals be held in a foreign embarkation quarantine facility and tested for certain diseases prior to their shipment to the Harry S. Truman Animal Import Center.

On July 26, 1977, there was published in the **Federal Register** (42 FR 37968–37970), criteria and standards for the approval of an embarkation quarantine facility. Because of the logistic problems anticipated concerning the gathering of animals from different countries and placing them in various embarkation quarantine facilities for subsequent shipment to the Harry S. Truman Animal Import Center, provisions were made for the approval of a single embarkation quarantine facility with a capacity of 450 animals which would minimize the problems of supervision, expense, and coordination of movement of animals into the Harry S. Truman Animal Import Center, would maximize the utilization of that facility and reduce the chance of introduction of communicable diseases of livestock and poultry into this country.

Subsequent to the publication of the criteria and standards for approval, an application was received and approved for an embarkation quarantine facility at Brest, France.

On March 21, 1978, there was published in the **Federal Register** (43 FR 11690), an amendment which established a specific date for receipt of applications for special permits to import cattle through the Harry S. Truman Animal Import Center to be drawn on a lottery basis. Of the 38 applicants determined to be eligible to import cattle through the Harry S. Truman Animal Import Center, 28 applied to import a total of 368 cattle from Brazil.

The Animal and Plant Health Inspection Service (APHIS) believes that is is impracticable to require that cattle from Brazil be transported to France for embarkation quarantine and then to the Harry S. Truman Animal Import Center for quarantine. APHIS further believes that it now has sufficient resources and personnel to service an additional number of embarkation quarantine facilities and that the approval of an additional limited number of embarkation quarantine facilities will not unduly hamper the coordination of the movement of animals into the Harry S. Truman Animal Import Center. Further, such additional embarkation facilities should not unduly increase the possibility of the introduction of communicable diseases of livestock and poultry into this country because such additional facilities would still be required to comply with the standards established in the regulations in order to be approved by APHIS to handle animals destined for the Harry S. Truman Animal Import Center. Also, by approving additional embarkation quarantine facilities, the costs of transporting the animals to an embarkation facility should be reduced for the importer and should likewise promote full utilization of the Harry S. Truman Animal Import Center.

Therefore, this regulation provides for the approval of additional embarkation quarantine facilities for use with the Harry S. Truman Animal Import Center. Approvals are limited to one such facility per continent. One facility per continent should be adequate to service animals, from countries of that continent for importation into the Harry S. Truman Animal Import Center without negatively impacting upon the Department's personnel and resources.

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

In § 92.42, the second sentence in paragraph (a)(4) is amended to read:

§ 92.42 Embarkation quarantine facility; criteria and standards for approval.

* * * * *

(4) * * * Each request for approval of a facility will be considered on the basis of the date and time it is received by the Deputy Administrator, Veterinary Services and the geographical location of the facility. The Department shall approve only one facility to service a continent. The first such application per continent which can comply with the standards and regulations established in this section shall be approved by the Deputy Administrator, Veterinary Services. * * *

* * * * *

(Sec. 1, 84 Stat. 202, (21 U.S.C. 135); 37 FR 28464, 28477; 38 FR 19141.)

It is necessary to publish this amendment as a final rule, to become effective immediately, in order to allow sufficient time for the advance approval of an additional embarkation quarantine facility in Brazil to be used in conjunction with the importation of animals from that Country into the United States through the Harry S. Truman Animal Import Center. This action is necessary in order to insure that the facility be as fully utilized as possible.

Therefore, for such good cause the Department finds that notice and other public procedure regarding this amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the **Federal Register.**

Done at Washington, D.C., this 28th day of March 1979.

Note—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044, and Secretary's Memorandum No. 1955. It has been determined by G. V. Peacock, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that the emergency nature of this rule, as indicated above, warrants the publication of this rule without waiting for public comment. This amendment, as well as the complete regulations, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum No. 1955. The review will include preparation of an Impact Analysis Statement which will be available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8695.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-10102 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 19 and 24

Financial Institutions Regulatory and Interest Rate Control

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This revision of 12 CFR Part 19 incorporates changes in the Comptroller's supervisory and adjudicatory authority made by Titles 1 and 8 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95–630). This revision also establishes rules of practice and procedure applicable to hearings held by the Comptroller under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) and to formal investigations conducted under 12 U.S.C. 481, 1818(n), and 1820(c). The Comptroller revokes Part 24, entitled "Procedures and Standards Applicable to Suspensions and Prohibitions, Where A Felony is Charged", because this subject is now covered by the Financial Institutions Regulatory and Interest Rate Control Act of 1978 and the implementing provisions of 12 CFR Part 19.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Glidden, Attorney, Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: On February 5, 1979, the Comptroller of the Currency published for comment in the **Federal Register** (44 FR 6922–29) a proposal to establish modified rules of practice and procedure in 12 CFR Part 19 and a related proposal to revoke 12 CFR Part 24.

The Comptroller received three written comments, one from a bank and two from trade associations. One commenter essentially requested clarification concerning whether an administrative law judge will preside at a formal hearing. In conformity with the Administrative Procedure Act (5 U.S.C. 554–557), an administrative law judge will be designated to preside at a formal hearing. Section 19.0(d) of the proposed regulation defined the term "presiding officer" and included a statement that "[o]rdinarily an administrative law judge will conduct a formal hearing". This sentence has been eliminated from the final regulation.

A second commenter expressed concern that the due process rights of bank officers and directors might not be

sufficiently protected under the informal hearing procedures set forth for removals and suspensions in Subpart E of the proposed regulation. This subpart tracked the language of the statute in all important respects. However, in response to the comment, the Comptroller has revised § 19.33 to provide a suspended or removed individual the right to petition for agency review 12 months after the date of the adverse decision.

The third commenter, a bank, suggested that § 19.23 of the proposed regulation be revised to specify that a party served with a notice of assessment of civil money penalty shall be provided with a copy of the Comptroller's analysis of the factors justifying the amount of the penalty. This procedure is not mandated by the statute and is not incorporated into the final regulation. However, it is anticipated that notices of assessment will be sufficiently detailed to indicate the basis for any given amount of penalty.

Heretofore titled "Rules of Practice and Procedures Applicable to Proceedings Relating to Cease and Desist Orders", the regulation contained in 12 CFR Part 19 as revised is entitled, "Rules of Practice and Procedure" and is divided into Subparts A through H. Subpart A prescribes general rules for any formal hearing that may be commenced by the Comptroller. For example, the Change in Bank Control Act, which is Title VI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630 § 602), provides that any person whose proposed acquisition of control of a national bank is disapproved by the Comptroller may request a formal agency hearing on the matter. As another illustration, section 17A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(c)) authorizes the Comptroller to hold a formal hearing for the purpose of denying registration or taking certain disciplinary actions against a national bank registered as a transfer agent. In such cases of adjudication required by statute to be determined on the record after an opportunity for agency hearing, the rules of Subpart A apply and will govern the proceedings. Subparts B, C, D, and F of Part 19 contain additional rules that relate to specific types of formal hearings. Special requirements of practice and procedure in these subparts or in the particular statute being implemented are controlling over any inconsistent provision that may be found in Subpart A.

Subparts B thru E embody changes in the Comptroller's supervisory and adjudicatory authority made by the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. 95-630 ("Act"). Subpart B reflects that section 107(a) of the Act subjects bank related individuals as well as banks to the Comptroller's cease-and-desist powers. A bank-related individual is any officer, director, employee, agent, or other person participating in the conduct of the affairs of a bank.

Subpart C is based upon sections 101 103, 107, and 801 of the Act, which provide for the assessment of a civil money penalty against a bank or a bank-related individual for violation of certain laws and regulations or of a cease-and-desist order which has become final.

Subparts D and E prescribe hearing procedures related to suspension and removal of an officer, director or other person participating in the affairs of a bank and are based on sections 107 and 111 of the Act respectively. Under Subpart D, the Comptroller conducts a formal hearing and the presiding officer certifies the record to the Federal Reserve Board for a determination of whether a final removal order should be issued. Subpart E involves suspension or removal where the individual concerned has been charged with or convicted of a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year. In such circumstances the Comptroller, after suspending or removing an individual from office, must afford the subject individual an opportunity for an informal hearing.

Subpart F, as authorized by sections 15B(c) and 23 of the Securities Exchange Act of 1934, 15 U.S.C. 78o-4(c) and 78w prescribes rules applicable to any disciplinary proceedings that may be instituted by the Comptroller against certain banks acting as municipal securities dealers and persons associated with such dealers.

Subparts B through F are relatively brief. They generally set forth the scope of the particular proceeding involved, the nature of any notice or order that might be served on a bank or individual and incorporate any specific time or other procedural requirements contained in the statute being implemented. The detailed rules of practice and procedure are set forth in Subpart A and cover such items as answers to charges, the filing and service of papers, the designation of a presiding officer and the conduct of formal hearings, access to agency process by parties afforded a hearing various time requirements, and the certification of the hearing record to the Comptroller for decision.

Subpart G applies to informal hearings afforded a party seeking an exemption from certain provisions of the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* Like Subpart E, which also involves informal hearings, the rules in this subpart establish a different framework from that which is set forth in Subpart A. The thrust of Subpart G is to permit considerable flexibility in the conduct of hearings while at the same time providing for the development of a meaningful record that can assist the Comptroller in arriving at a decision

Subpart H will govern formal investigations conducted by the Comptroller's Office. Even though no adjudication is involved, these rules are included in 12 CFR Part 19 because they prescribe rules of practice and procedure and because formal investigations will frequently lead to or supplement an adjudicatory proceeding

The wording of the 12 CFR Part 19 proposal has been modified in various respects. The major changes can be summarized as follows. Section 19.2(b) now provides that a party must file an answer within 20 days of being served with a notice which commences proceedings, unless otherwise specified by the Comptroller. This rule provides more flexibility than the straight 20 day requirement that was contained in the proposal.

Section 19.3(b) has been rewritten to indicate more clearly that the presiding officer has authority in appropriate instances to prohibit an attorney from representing more than one client in a proceeding.

The proposed § 19.4(a) allowed a paper filed by mail to be considered timely if it was postmarked on or before the due date. In order to avoid uncertainty on the part of agency employees and other parties involved in a proceeding, this provision has been changed so that such a paper will be timely only if received in the office of the Comptroller in Washington, D.C. on or before the due date for filing. Similarly, the final sentence in § 19.6(a) of the proposal, which stated that a paper would be timely if postmarked on or before the due date for filing or service, has been deleted.

The proposed § 19.4(b) authorized a party filing papers to serve such papers on the other parties by personal service or by registered, certified or regular first class mail. Because registered mail tends to be more cumbersome than other types of mail, this method of service has been dropped from the final regulation. On the other hand, the

section as rewritten provides greater flexibility to parties because they can now serve such papers by private delivery service or by express mail as well as by personal service, or certified or regular first class mail.

A new sentence has been added to § 19.6(a) which explains that interim Saturdays, Sundays, and legal holidays are not counted when a prescribed period for doing some act is 10 days or less. In view of this change, the time for opposing a motion pursuant to § 19.7(b) has been reduced from 7 to 5 days.

Section 19.7(c) has been rewritten to clarify that the Comptroller will rule directly on motions submitted by parties only prior to the appointment of a presiding officer or after the presiding officer has filed his recommended decision in the case.

Section 19.45(c) has been modified to indicate that potential witnesses, as well as persons who have already appeared before the agency, may be excluded from the taking of testimony of a witness in a formal investigation. Finally, the first sentence of § 19.45(d) has been dropped so that the section more nearly conforms to the duty imposed upon the agency by 5 U.S.C. 555(c).

The rules of practice and procedure contained in revised 12 CFR Part 19 apply to proceedings hereafter commenced by the Comptroller. The Comptroller believes that a delayed effective date as prescribed by 5 U.S.C. 553 is unnecessary because the regulation is essentially procedural rather than substantive in nature, it largely incorporates specific statutory provisions, particularly sections 101, 103, 107 and 801 of the Financial Institutions Regulatory and Interest Rate Control Act, and finally, because the effective date of this statute is March 10, 1979. There is thus a need to have final rules in place as soon as possible. The revised 12 CFR Part 19 does not meet Treasury Department criteria for a significant regulation.

DRAFTING INFORMATION: The principal drafter of this document was Attorney William B. Glidden.

Adoption of Amendments

For the reasons stated above, the Comptroller amends 12 CFR Part 19 to read as follows:

PART 19—RULES OF PRACTICE AND PROCEDURE

Subpart A—Rules Applicable to Formal Hearings

Sec.
19.0 Definitions.
19.1 Scope.
19.2 Commencement of proceedings; notice and answer.
19.3 Appearance and practice before the Comptroller.
19.4 Filing and service.
19.5 Form and signature of papers.
19.6 Time.
19.7 Motions.
19.8 Subpoenas.
19.9 Depositions.
19.10 Conduct of formal hearing.
19.11 Proposed findings and conclusions; recommended decision.
19.12 Exceptions.
19.13 Oral argument before the Comptroller.
19.14 Notice of submission to the Comptroller.
19.15 Decision of Comptroller.
19.16 Proceedings are confidential.
19.17 Retained authority.

Subpart B—Cease-and-Desist Proceedings

19.18 Scope.
19.19 Notice of charges and answer.
19.20 Temporary cease-and-desist orders.
19.21 Cease-and-desist orders.

Subpart C—Assessment of Civil Money Penalties

19.22 Scope.
19.23 Notice of assessment; request for hearing; answer.
19.24 Notice of hearing.
19.25 Assessment orders.

Subpart D—Removals, Suspensions and Prohibitions Generaly

19.26 Scope.
19.27 Notice of intention and answer.
19.28 Suspension or prohibition by notice.
19.29 Removal or prohibitions by order.

Subpart E—Removals, Suspensions and Prohibitions Where a Crime is Charged or Proven

19.30 Scope.
19.31 Suspension or removal.
19.32 Informal hearing.
19.33 Decision of Comptroller.

Subpart F—Disciplinary Proceedings Involving Municipal Securities Dealers

19.34 Scope.
19.35 Notice of charges and answer.
19.36 Disciplinary orders.

Subpart G—Exemption Hearings Under Section 12(h) of the Securities Exchange Act of 1934

19.37 Scope.
19.38 Application for exemption.
19.39 Newspaper notice.
19.40 Informal hearing.
19.41 Decision of Comptroller.

Subpart H—Formal Investigations

19.42 Scope.
19.43 Formal investigations are confidential.
19.44 Order to conduct formal investigation.
19.45 Rights of witnesses.
19.46 Service of subpoena and payment of witness fees.

Authority: Secs. 8 and 10 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1820); secs. 12(h) and (i), 15B(c), 21 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(h) and (i), 78o–4(c), 78u, 78w); Administrative Procedure Act (5 U.S.C. 554–57); secs. 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95–630); secs. 4 and 13(a) of the International Banking Act of 1978 (Pub. L. 95–369).

Subpart A—Rules Applicable to Formal Hearings

§ 19.0 Definitions.

(a) The term "bank" means a national bank, District bank, or a foreign bank operating at a federal branch or agency.

(b) The Comptroller's "interested division" means those staff members who are engaged in investigative or prosecutorial functions in connection with a Part 19 proceeding.

(c) The term "party" means a bank or person named as a party in any notice which commences proceedings, or any person who is admitted as a party or who has filed a written request and is entitled as of right to be a party. The Comptroller's interested division shall be deemed to be a party to this Part 19 proceedings.

(d) The term "presiding officer" means an administrative law judge, or any agency employee or other person designated by the Comptroller to conduct a hearing.

§ 19.1 Scope.

This subpart prescribes rules of practice and procedure followed by the Comptroller of the Currency in formal hearings. In connection with any particular matter, reference should also be made to any special requirements of practice and procedure that may be contained in the statute involved or the rules adopted by the Comptroller in Subparts B, C, D or F of this Part 19, which special requirements are controlling. These rules in Subpart A do not apply to the informal hearings

described in Subparts E and G of this part or in Part 5 (12 CFR 5) or to any other informal hearing that may be ordered by the Comptroller.

§ 19.2 Commencement of proceedings; notice and answer.

(a) *Notice.* Proceedings are commenced by notice served upon the party or parties afforded a formal hearing. The notice may, for example, be a notice of charges, described in § 19.19 or § 19.35, a notice of assessment of civil money penalty, described in § 19.23, or a notice of intention to remove from office described in § 19.27. The matters of fact and law alleged in a notice may be amended by the Comptroller at any stage of the proceedings, and such amended notice may require an answer from the party or parties served and may set a new hearing date.

(b) *Answer is required.* Unless a different period is specified by the Comptroller, a party who does not wish to consent to a final order must file an answer within 20 days after being served with a notice which commences proceedings. Any subsequent notice which contains amended allegations and by its terms requires an answer must similarly be answered within 20 days.

(c) *Answer shall specifically admit or deny.* An answer filed under this section shall concisely state any defenses and specifically admit or deny each allegation in the notice. Any allegation not specifically denied is deemed to be admitted. A party who lacks information of knowledge sufficient to form a belief as to the truth of any particular allegation shall so state and this has the effect of a denial. A party who intends in good faith to deny only a part or a qualification of an allegation shall specify what is true and deny only the remainder.

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the prescribed time constitutes a waiver of the right to appear and contest the allegations contained in the notice and authorizes the presiding officer, without further notice to the party, to find the facts to be as alleged and to file a recommended decision containing such findings and appropriate conclusions. The Comptroller or the presiding officer, for good cause shown, may permit the filing of a delayed answer.

§ 19.3 Appearance and practice before the Comptroller.

(a) *Representation of a party or person.* An attorney who desires to act on behalf of a client shall file a statement that the client has authorized such representation and that the attorney is currently a member in good standing of the bar of the highest court of a state, possession, territory, commonwealth, or the District of Columbia. Any other person desiring to act in a representative capacity may be required to file a power of attorney showing authority to act in such capacity and to show to the satisfaction of the Comptroller the possession of requisite qualifications. Attorneys and other representatives of parties afforded a hearing shall file a notice of appearance.

(b) *Representation of multiple interests may be prohibited.* An attorney shall not represent more than one client without informing each client of any actual or potential conflict of interest that may be involved in such representation. The presiding officer has authority to take protective measures at any stage of a proceeding, including the authority to prohibit multiple representation when deemed appropriate.

(c) *Summary suspension.* Contemptuous conduct at any hearing before the Comptroller or a presiding officer shall be grounds for exclusion from the hearing and suspension for the duration thereof.

§ 19.4 Filing and service.

(a) *Filing.* Any notice which commences proceedings, any response or answer thereto, any amended notice and answer thereto, any notice of hearing, every order or ruling except one which is entered during the course of a hearing and is part of the hearing transcript, every paper relating to discovery, every written motion, memorandum, notice, appearance, proof of service or similar paper, every stipulation of the parties, the hearing transcript together with all exhibits accepted into evidence, proposed findings and conclusions by the parties, the findings and conclusions and recommended decision of the presiding officer, parties' exceptions thereto, and the decision and final order of the Comptroller shall be filed with the Deputy Comptroller for Administration or other person designated to receive papers for the agency in a proceeding. Any such papers may be sent by mail or express but must be received at the office of the Comptroller in Washington, D.C., within the time limit, if any, prescribed for filing.

(b) *Service.* Except as otherwise provided in these rules, each party who files papers is responsible for serving a copy thereof upon the presiding officer and upon the attorney or representative of record of every other party. A copy of all papers filed by the presiding officer shall be served upon the parties. Service may be by personal service, private delivery service, or by express, certified or regular first-class mail. If a party is not represented, service shall be made at the last known address of the party or an officer thereof as shown on the records of the Comptroller.

(c) *Proof of service.* Proof of service of papers filed by a party shall be filed before action is to be taken thereon. The proof shall show the date and manner of service, and may be by written acknowledgement of service, by declaration of the person making service, or by certificate of an attorney or other representative of record. Failure to make proof of service shall not affect the validity of service. The presiding officer may allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

§ 19.5 Form and signature of papers.

All papers filed by a party shall be printed or typewritten, and copies served upon the presiding officer and the parties shall be clear and legible. The original of all papers filed by any party shall be signed by that party's attorney. If a party is not represented by an attorney, the papers shall be signed by the party, an officer thereof, or a duly authorized representative.

§ 19.6 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by this part, the date of the act or event from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Intermediate Saturdays, Sundays and legal holidays shall not be included in the computation if the time within which an act is to be performed is 10 days or less. Whenever a party is required or permitted to do some act within a prescribed period of time from the date of service, and service has been made by mail, 3 days are added to the prescribed period from the date when the matter served is deposited in the mail.

(b) *Change of time limits.* Except as otherwise provided by law, the presiding officer may extend time limits prescribed by these rules or by any notice or order issued in the

proceedings. Prior to the appointment of a presiding officer and after the filing of a recommended decision pursuant to § 19.11(b), the Comptroller may grant such extensions. Subject to the approval of the presiding officer, the parties may by stipulation change the time limits specified by these rules or any notice or order issued thereunder.

§ 19.7 Motions.

(a) *How made.* An application or request for an order or ruling, unless made during a hearing session, shall be made by written motion supported by a memorandum which concisely states the grounds therefor.

(b) *Opposition.* Within 5 days after service of any written motion, or within such other period of time as may be fixed by the ruling authority, any party may file a memorandum in opposition thereto. The moving party has no right to reply except as permitted by the ruling authority. No oral argument will be heard on motions except as otherwise directed by the ruling authority. The ruling authority has discretion to waive the requirements of this section as to motions for extension of time and may rule upon such motions ex parte.

(c) *Rulings and orders.* The presiding officer rules on motions and may issue appropriate orders, except that the presiding officer for good cause and if unavailable may refer matters to the Comptroller. Prior to the appointment of a presiding officer and after a recommended decision is filed pursuant to § 19.11(b), the Comptroller rules on motions filed by the parties.

(d) *Interlocutory review.* All orders and rulings on motions become part of the record. The presiding officer shall not certify a ruling for interlocutory review to the Comptroller unless a party so requests and shows good cause.

§ 19.8 Subpoenas

(a) *Issuance.* Upon written application of a party and a showing of the general relevance and reasonable scope of the testimony or other evidence sought, the presiding officer may issue subpoenas requiring the attendance of witnesses or the production of documents at a designated place of hearing. During sessions of a hearing the applications may be made orally on the record. Where it appears to the presiding officer that a subpoena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the presiding officer has discretion to refuse to issue a subpoena or to issue it only upon such conditions as fairness requires. In making this determination, the presiding officer may inquire of the other parties whether they will concede the facts sought to be proved. Such inquiry shall not disclose the identity of the person sought to be subpoened except with permission of the party requesting the subpoena.

(b) *Motions to quash.* Any person to whom a subpoena is directed may, prior to the time specified therein for compliance but in no event more than 5 days after the date the subpoena was served, with notice to the party requesting the subpoena, apply to the presiding officer to quash or modify the subpoena, accompanying such application with a brief statement of the reasons therefor. The presiding officer may deny the application or, upon notice to the party in whose behalf the subpoena was issued and after affording that party an opportunity to reply, may quash or modify the subpoena or impose reasonable conditions including, in the case of a subpoena duces tecum, a requirement that the party in whose behalf the subpoena was issued shall advance the reasonable cost of collecting and transporting documentary evidence to the designated place of hearing.

(c) *Service of subpoena.* A subpoena may be served upon the person named therein, or such person's attorney, by personal service or certified mail. The fees for one day's attendance and mileage as specified in paragraph (d) of this section must be tendered at the time of service unless the subpoena is issued in behalf of the Comptroller's interested division.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents at a designated place of hearing may be required from any place in any state or territory subject to the jurisdiction of the United States. Witnesses who are subpoenaed shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Fees required by this paragraph shall be paid by the party upon whose application the subpoena is issued.

§ 19.9 Depositions.

(a) *Application to take a deposition.* Any party desiring to preserve testimony for use at a hearing by taking a deposition shall make written application to the presiding officer setting forth the name and address of the witness, the subject matter concerning which the witness is expected to testify, its relevance, the time, place, and name and address of the person before whom it is desired the deposition be taken, and the reasons why such deposition should be taken. The application may include a request that specified documents be produced at the deposition. A copy of the application shall be served on the other parties.

(b) *Subpoena; notice to other parties.* Upon a showing that the proposed witness will or may be unable to attend the hearing, the testimony or other evidence sought will be material, and the taking of the deposition will not result in any undue burden to the witness or any party or undue delay of the proceedings, the presiding officer may issue a subpoena or subpoena duces tecum. Notice of the issuance of such subpoena shall be served upon the parties at least 5 days in advance of the date set for deposition.

(c) *Deposition by notice.* The requirements of paragraphs (a) and (b) of this section may be waived by agreement of the parties and the witness whose testimony or documentary evidence is sought. Such agreement shall be embodied in a stipulation which becomes part of the record and may provide for the taking of depositions upon notice and without leave of the presiding officer.

(d) *Procedure on deposition.* Each witness whose testimony is taken by deposition shall be sworn or shall affirm before any question is propounded. Examination and cross-examination of deponents may proceed as permitted at the hearing. Objections to questions or documents shall be in short form, stating the grounds of objection relied upon, but the person before whom the deposition is taken shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence is deemed a waiver if the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by or under the direction of the person before whom the deposition is taken. The deposition shall be signed by the witness, unless the witness refuses and states the reason therefor on the record, and shall be certified as a true and complete transcript by the person recording the testimony. The person before whom the deposition is taken shall promptly file the transcript and all exhibits. Interested parties shall make their own arrangements with the person recording the testimony for copies of the testimony and the exhibits.

(e) *Introduction as evidence.* Subject to appropriate rulings by the presiding officer on such objections and answers as were noted at the time the deposition

was taken or as would be valid were the witness personally present and testifying, the deposition or any part thereof may be received in evidence by the presiding officer. Only such part of a deposition as is received in evidence at a hearing shall constitute a part of the record upon which a decision may be based.

(f) *Payment of fees.* Deponents whose depositions are taken and the reporter taking the same shall be entitled to the same fees as are paid for like services in the district courts of the United States, which fees shall be paid by the party upon whose application the deposition is taken.

§ 19.10 Conduct of formal hearing.

(a) *Authority of presiding officer.* Formal hearings are subject to the requirements of the Administrative Procedure Act (5 U.S.C. 554–557). The presiding officer designated by the Comptroller has complete charge of a hearing and must conduct it in a fair and expeditious manner. The presiding offficer has all powers necessary to that end but does not have the authority to decide any motion to dismiss the proceedings or which would result in a final determination of the merits of the proceedings.

(b) *Pre-hearing conferences and memoranda.* The presiding officer shall when possible schedule pre-hearing conferences aimed at expediting the proceedings. In this regard, the presiding officer may required the submission of pre-hearing memoranda which, among other things, specify the witnesses to be called, exhibits to be offered in evidence at the hearing, and such other matters as the presiding officer deems advisable. Any agreements reached among the parties, at pre-hearing conferences or otherwise, shall become part of the record and bind the parties thereto unless the presiding officer permits otherwise for good cause shown.

(c) *Attendance at hearing.* Unless the Comptroller determines, after considering the views of the party or parties afforded a hearing, that a public hearing is necessary to protect the public interest, a hearing shall be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying and their counsel, and other persons having an official interest in the proceedings.

(d) *Hearing rules.* The Comptroller's interested division shall open and close. Every party has the right to present its case or defense by oral and documentary evidence and testimony and to conduct such cross-examination as may be required for full disclosure of the facts. Irrelevant or unduly repetitious evidence shall be excluded. Objections to the admission or exclusion of evidence shall be concise and, together with rulings thereon, become part of the record. Argument on objections may at the discretion of the presiding officer take place off the record. Failure to object to admission or exclusion of evidence or to any ruling constitutes a waiver of objection.

(e) *Transcript.* A hearing shall be recorded. The transcript shall be duly certified by the official reporter and together with all exhibits accepted into evidence shall be filed. Copies shall be furnished to the presiding officer and the interested division and are available to other parties upon payment of the cost thereof. Parties to the proceeding shall be promptly notified when the hearing transcript has been filed.

§ 19.11 Proposed findings and conclusions; recommended decision.

(a) *Proposed findings and conclusions by parties.* Within 30 days after the hearing transcript has been filed, any party may file proposed findings of fact and conclusions of law.

(b) *Recommended decision by presiding officer.* Within 30 days after the expiration of time allowed under paragraph (a) of this section, or within such further time as the Comptroller for good cause allows, the presiding officer shall file a recommended decision and findings and conclusions. A copy shall promptly be served upon the parties.

§ 19.12 Exceptions.

Within 15 days after being served with a copy of the findings and conclusions and recommended decision of the presiding officer, any party may file exceptions thereto and to any failure to adopt a proposed finding or conclusion.

§ 19.13 Oral agrument before the Comptroller.

Upon the Comptroller's own initiative, or upon the written request of any party made within the time for filing exceptions to the recommended decision of the presiding officer, the Comptroller may order and hear oral argument on the recommended decision and the findings and conclusions on which it is based. Oral argument before the Comptroller shall be recorded unless otherwise ordered.

§ 19.14 Notice of submission to the Comptroller.

Upon the expiration of the time for filing exceptions to the recommended decision of the presiding officer, or after any hearing of oral argument by the Comptroller, the parties shall promptly be notified that the case has been submitted to the Comptroller for final decision.

§ 19.15 Decision of Comptroller.

Staff who have not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Comptroller in the consideration of the case. Copies of the decision and order of the Comptroller shall be served upon the parties.

§ 19.16 Proceedings are confidential.

Unless and until otherwise ordered by the Comptroller, any information obtained and any papers and documents filed during the course of a proceeding are for the confidential use only of the Comptroller, the presiding officer, and the parties.

§ 19.17 Retained authority.

Nothing in these rules is in derogation of powers of examination and investigation conferred on the Comptroller of the Currency by 12 U.S.C. 481, 1818(n) and 1820(c) or any other provision of law.

Subpart B—Cease-and-Desist Proceedings

§ 19.18 Scope.

The rules in this subpart and in Subpart A of this part apply to cease-and-desist proceedings instituted by the Comptroller of the Currency against a bank or any director, officer, employee, agent or other person participating in the conduct of the affairs of such bank, based upon practices or violations described in section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)).

§ 19.19 Notice of charges and answer.

A cease-and-desist proceeding is commenced by service of a notice of charges. The notice shall specify the violations or practices being complained of and shall fix a time and place for hearing. The hearing date shall be no earlier than 30 days nor later than 60 days after service of the notice unless an earlier or later date is set by the Comptroller at the request of any party so served. A party served with a notice of charges shall file an answer as prescribed by § 19.2. Any party afforded a hearing who does not appear personally or by a duly authorized representative shall be deemed to have consented to the issuance of a cease-and-desist order.

§ 19.20 Temporary cease-and-desist orders.

Whenever the Comptroller determines that any violation or threatened violation or practice specified in the notice of charges, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to seriously weaken the condition of the bank or otherwise seriously prejudice the interests of its depositors prior to completion of administrative proceedings, the Comptroller may issue a temporary order requiring the bank or bank-related individuals to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending the completion of the proceedings. A temporary order is effective upon service and, unless set aside, limited or suspended by a court as authorized under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), remains effective and enforceable pending the completion of the administrative proceedings and until the Comptroller dismisses the charges, or if a cease-and-desist order is issued pursuant to § 19.21, until the effective date of any such order.

§ 19.21 Cease-and-desist orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any violation or practice specified in the notice of charges has been established, the Comptroller may issue and serve upon the bank or person concerned an order to cease and desist from any violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of the bank to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice. A cease-and-desist order is effective 30 days after service (except in the case of a cease-and-desist order issued upon consent, which is effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart C—Assessment of Civil Money Penalties

§ 19.22 Scope.

Pursuant to authority in sections 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630), the Comptroller of the Currency may assess a civil money penalty against a bank or an officer, director, employee, agent, or person participating in the conduct of the affairs of a bank, for a violation of one or more of the following laws, including any regulations issued thereunder: (a) Section 22 or 23A of the Federal Reserve Act (12 U.S.C. 371c, 375, 375a, 376); (b) any provision of the National Bank Act or other law referenced in 12 U.S.C. 93; (c) a cease-and-desist order which has become final and was issued pursuant to section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818); or (d) section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972). The rules in this subpart and in Subpart A apply to assessment proceedings.

§ 19.23 Notice of assessment; request for hearing; answer.

Proceedings are commenced by service of a notice of assessment of civil money penalty. The notice shall contain a statement of the facts constituting the alleged violation or violations, the amount of civil money penalty being assessed, and shall inform the bank or person being assessed of the right to request an agency hearing within 10 days after the notice is served. If a hearing is not requested within the prescribed 10 day period, the assessment constitutes a final and unappealable order. A party requesting a hearing shall file an answer as prescribed in § 19.2.

§ 19.24 Notice of hearing.

A bank or person requesting a hearing shall be informed by notice of the time and place set for hearing. The notice of hearing shall be given at least 30 days in advance of the date set for hearing. Any party affored a hearing who does not appear at the hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of an assessment order.

§ 19.25 Assessment orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any violation specified in the notice of assessment has been established, the Comptroller may serve an order of assessment of civil money penalty upon the bank or person concerned. An assessment order is effective immediately upon service, or upon such other date as may be specified therein, and shall remain effective and enforceable until it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart D—Removals, Suspensions and Prohibitions Generally

§ 19.26 Scope.

The rules in this subpart and in Subpart A apply to proceedings by the Comptroller of the Currency to remove or suspend any director or officer of a bank or any other person participating in the conduct of the affairs of a bank, and prohibit such officer, director or other person from further participation in any manner in the conduct of the affairs of a bank, upon the grounds set forth in section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)). The Comptroller may by notice suspend from office or prohibit the subject individual from participating in bank affairs until the administrative proceedings are completed. Following the hearing, the findings and conclusions of the presiding officer shall be certified to the Board of Governors of the Federal Reserve System for determination of whether any final order of removal or prohibition should be issued.

§ 19.27 Notice of intention and answer.

Proceedings are commended by service of a notice of intention to remove from office or prohibit an individual from further participation in any manner in the affairs of a bank. The notice shall state the grounds for removal or prohibition and shall fix a time and place for hearing. The hearing date shall be no earlier than 30 days nor later than 60 days after the notice is served, unless the Comptroller sets an earlier or later date at the request of the Attorney General of the United States. A party served with a notice shall file an answer as prescribed in § 19.2. Any party afforded a hearing who does not appear at the hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of an order of removal or prohibition.

§ 19.28 Suspension or prohibition by notice.

The Comptroller may, by notice served upon the subject individual and the bank, suspend from office or prohibit the individual from further participation in the affairs of the bank pending administrative proceedings which could lead to a final order of removal or

prohibition. A suspension or prohibition by notice is effective upon service of the notice and, unless stayed by a court as authorized in 12 U.S.C. 1818(f), shall remain in effect until the charges are dismissed and the administrative proceedings are completed, or until the effective date of any final order of removal or prohibition that is issued by the Federal Reserve Board.

§ 19.29 Removal or prohibition by order.

In the event of consent, or if upon the record certified by the presiding officer the Federal Reserve Board finds that any of the charges has been established, the Board may issue an order of removal from office or prohibition from participation in the affairs of a bank. Such an order is effective 30 days after service (except in the case of an order issued upon consent, which is effective at the time specified therein), and shall remain effective and enforceable until stayed, modified, terminated, or set aside by action of the Federal Reserve Board or a reviewing court.

Subpart E—Removals, Suspensions, and Prohibitions Where a Crime Is Charged or Proven

§ 19.30 Scope.

The rules in this subpart apply to informal hearings afforded to any officer, director or other person participating in the conduct of the affairs of a bank, and who has been suspended or removed from office and prohibited from further participating in bank affairs by a notice or order served by the Comptroller of the Currency, upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)).

§ 19.31 Suspension or removal.

The Comptroller may serve a notice of suspension or order of removal upon a director, officer or other person participating in the conduct of the affairs of a bank. A copy of such notice or order shall be served upon the bank, whereupon the individual concerned shall immediately cease service to the bank or participation in the affairs of the bank. Any notice or order shall indicate the basis for suspension or removal and shall inform the individual of the right to request in writing, within 30 days of being served with such notice or order, an opportunity to show at an informal hearing that continued service to or participation in the conduct of the affairs of the bank does not, or is not likely to, pose a threat to the interests of the bank's depositors or threaten to impair public confidence in the bank.

§ 19.32 Informal hearing.

(a) Upon receipt of a request for hearing, the Comptroller shall notify the individual of the time and place fixed for hearing and shall designate one or more agency employees to preside. The hearing shall be scheduled to be held no later than 30 days from the date when a request for hearing is received unless the time is extended at the request of a party afforded a hearing.

(b) An individual may appear personally or through counsel to submit relevant written materials and oral argument thereon. Oral testimony may be presented only if expressly permitted by the Comptroller.

§ 19.33 Decision of Comptroller.

(a) Within 60 days following the hearing, the Comptroller shall notify the subject individual whether the suspension or removal from office, and prohibition from participation in any manner in the affairs of the bank, will be continued, terminated, or otherwise modified.

(b) The Comptroller in deciding upon any suspension will not consider the ultimate question of the guilt or innocence of the individual with respect to the criminal charge which is outstanding. A finding of not guilty or other disposition of the charge shall not preclude the Comptroller from thereafter instituting removal proceedings pursuant to section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)) and Subpart D of this part.

(c) A removal or prohibition by order remains in effect until terminated by the Comptroller. A suspension or prohibition by notice remains in effect until the criminal charge is finally disposed of or until terminated by the Comptroller.

(d) A suspended or removed individual may petition the Comptroller to reconsider the decision any time after the expiration of a twelve-month period from the date of the decision, but no petition for reconsideration may be made within 12 months of a previous petition. A petition shall state with particularity the relief sought and the grounds therefor and may be accompanied by a supporting memorandum and any other documentation the petitioner wishes to have considered. No hearing need be granted on the petition for reconsideration.

Subpart F—Disciplinary Proceedings Involving Municipal Securities Dealers

§ 19.34 Scope.

The rules in this subpart and in Subpart A apply to proceedings by the Comptroller of the Currency to determine whether, pursuant to authority contained in section 15B(c)(5) of the Securities Exchange Act of 1934, 15 U.S.C. 78o–4(c)(5) ("Exchange Act"), to take disciplinary action against a bank which is a municipal securities dealer, or any person associated or seeking to become associated with such a municipal securities dealer, upon the grounds specified in section 15B(c) (2) and (4) of the Exchange Act, 15 U.S.C. 78o–4(c) (2) and (4). Nothing in these rules is in derogation of powers conferred on the Comptroller by other provisions of law. In addition to the issuance of disciplinary orders after opportunity for hearing, the Comptroller may serve any notices and temporary or permanent orders and take any actions that are authorized by section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) and other subparts of this part.

§ 19.35 Notice of charges and answer.

Proceedings are commenced by service of a notice of charges upon a bank or associated person. The notice shall indicate the type of disciplinary action being contemplated and the grounds therefor and shall fix a time and place for hearing. The hearing shall be set for a date at least 30 days after service of the notice. A party served with a notice of charges shall file an answer as prescribed in § 19.2. Any party who fails to appear at a hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of a disciplinary order.

§ 19.36 Disciplinary orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any act or omission or violation specified in the notice of charges has been established, the Comptroller may serve upon the bank or persons concerned a disciplinary order. Such order may impose censure, limit the activities, functions or operations, or suspend or revoke the registration of a bank which is a municipal securities dealer, and may censure, suspend or bar any person associated or seeking to become associated with a municipal securities dealer. A disciplinary order is effective when served upon the party or parties involved and remains effective and enforceable until it is stayed, modified,

terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart G—Exemption Hearings Under Section 12(h) of the Securities Exchange Act of 1934

§ 19.37 Scope.

The rules in this subpart apply to informal hearings that may be held by the Comptroller of the Currency to determine whether, pursuant to authority in sections 12 (h) and (i) of the Securities Exchange Act of 1934, 15 U.S.C. 78/ (h) and (i) ("Exchange Act"), to exempt in whole or in part an issuer or a class of issuers from the provisions of section 12(g) or from section 13 or 14 of the Exchange Act, 15 U.S.C. 78/(g), 78n, or 78m, or whether to exempt from section 16 of the Exchange Act, 15 U.S.C. 78p, any officer, director, or beneficial owner of securities of an issuer. The only issuers covered by this subpart are banks whose securities are registered pursuant to section 12(g) of the Exchange Act, 15 U.S.C. 78/(g). The Comptroller has discretion to deny an application for exemption without holding any hearing.

§ 19.38 Application for exemption.

An issuer or an individual (officer, director or shareholder) may submit a written application for an exemption order to the Comptroller of the Currency, Washington, D.C. 20219. The application shall specify the type of exemption sought and the reasons therefor, including an explanation of why an exemption would not be inconsistent with the public interest or the protection of investors. An applicant shall be informed in writing whether a hearing will be held to consider the matter.

§ 19.39 Newspaper notice.

Upon being informed that an application will be considered at a hearing, the applicant shall publish a notice one time in a newspaper of general circulation in the community where the issuer's main office is located. The notice shall state: (a) The name and address of the issuer and the name and title of any individual applicants; (b) the type of exemption sought; (c) the fact that a hearing will be held; and (d) a statement that interested persons may submit to the Securities Disclosure Division, Comptroller of the Currency, Washington, D.C. 20219, within 30 days from the date of the newspaper notice, written comments concerning the application and a written request for an opportunity to be heard. The applicant shall promptly furnish a copy of the notice to the Securities Disclosure Division, and to bank shareholders in conformity with 12 CFR 11.5(c)(8).

§ 19.40 Informal hearing.

(a) *Notice of hearing.* Following the comment period, the Comptroller shall send a notice which fixes a time and place for hearing to each applicant and to any person who has requested an opportunity to be heard.

(b) *Presiding officer.* The Comptroller shall designate a presiding officer to conduct the hearing. The presiding officer shall determine all procedural questions not governed by this subpart and has the authority to limit the number of witnesses and to impose such time and presentation limitations as are deemed reasonable.

(c) *Attendance.* The applicant and any person who has requested an opportunity to be heard may attend the hearing, with or without counsel. In addition, the applicant and any other hearing participant may introduce oral testimony through such witnesses as the presiding officer shall permit.

(d) *Order of presentation.* (1) The applicant may present an opening statement of a length within the discretion of the presiding officer. Then each of the hearing participants, or one among them selected with the approval of the presiding officer, may present an opening statement. Such opening statements should summarize concisely what the applicant and each participant intends to show. (2) The applicant shall have an opportunity to make an oral presentation of facts and materials or submit written materials for the record. Then one or more of the hearing participants may make an oral presentation or a written submission. (3) After the above presentations have been concluded, the applicant, and then one or more of the hearing participants, may make concise summary statements reviewing their position.

(e) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties afforded the hearing. All witnesses shall be present on their own volition, but any person appearing as a witness may be questioned by each applicant, any hearing participant, and the presiding officer.

(f) *Evidence.* The presiding officer has authority to exclude data or materials deemed to be improper or irrelevant. Formal rules of evidence shall not apply. Documentary material must be of a size consistent with ease of handling and filing. The presiding officer has discretion to determine the number of copies that must be furnished for purposes of the hearing.

(g) *Transcript.* A transcript of each proceeding shall be arranged for by the Comptroller's Office, with all expenses of such service, including the furnishing of a copy to the presiding officer, being borne by the applicant.

§ 19.41 Decision of Comptroller.

Following the conclusion of the hearing and submission of the record, the Comptroller shall notify the applicant and all persons who have so requested in writing of the final disposition of the application. Any exemption granted shall be by an order which specifies the type of exemption granted and its terms and conditions.

Subpart H—Formal Investigations

§ 19.42 Scope.

The rules in this subpart apply to formal investigations initiated by order of the Comptroller of the Currency and pertain to the exercise of powers specified in 12 U.S.C. 481, 1818(n) and 1820(c), and section 21 of the Securities Exchange Act of 1934, 15 U.S.C. 78u. These rules do not restrict or in any way affect the authority of the Comptroller to conduct examinations into the affairs or ownership of banks and their affiliates.

§ 19.43 Formal investigations are confidential.

Information or documents obtained in the course of a formal investigation shall be confidential and shall be disclosed only in accordance with the provisions of Part 4 (12 CFR Part 4).

§ 19.44 Order to conduct formal investigation.

A formal investigation begins with the issuance of an order signed by the Comptroller. The order shall designate the person or persons who will conduct the investigation, which persons are authorized, among other things, to issue subpoenas and subpoenas duces tecum, to administer oaths, and receive affirmations as to any matter under investigation by the Comptroller. Upon application and for good cause shown, the Comptroller may limit, modify, or withdraw the order at any stage of the proceedings.

§ 19.45 Rights of witnesses.

(a) Any person who is compelled or requested to furnish testimony, documentary evidence, or other information with respect to any matter under formal investigation shall upon request be shown the order initiating such investigation.

(b) Any person who, in a formal investigation, is compelled to appear and testify or who appears and testifies

by request or permission of the Comptroller of the Currency may be accompanied, represented, and advised by counsel. The right to be accompanied, represented, and advised by counsel shall mean the right of a person testifying to have an attorney present at all times while testifying and to have this attorney (1) advise such person before, during and after the conclusion of testimony, (2) question such person briefly at the conclusion of testimony to clarify any of the answers given, and (3) make summary notes during the testimony solely for the use of such person.

(c) Any person who has given or will give testimony and counsel representing such person may be excluded from the taking of testimony of any other witness.

(d) Any person who is compelled to give testimony is entitled to inspect any transcript that has been made of the testimony but may not obtain a copy if the Comptroller's representative conducting the proceedings has cause to believe that the contents should not be disclosed pending completion of the investigation.

(e) Any designated representative conducting an investigative proceeding shall report to the Comptroller any instances where any person has been guilty of dilatory, obstructionist or contumacious conduct during the course of the proceeding or any other instance involving a violation of these rules. The Comptroller may thereupon take such further action as the circumstances may warrant, including exclusion of the offending individual or individuals from participation in the proceedings.

§ 19.46 Service of subpoena and payment of witness fees.

A subpoena may be served upon the person named therein, or such person's attorney, by personal service or certified mail. Witnesses who are subpoenaed shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. The fees and mileage need not be tendered at the time a subpoena is served.

PART 24—[REVOKED]

For the reasons stated above, the Comptroller revokes 12 CFR Part 24.

Dated: March 28, 1979.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 79-10121 Filed 4-2-79; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

15 CFR Part 275

Policies and Procedures Governing the Appearance of NBS Employees as Witnesses in Private Litigation

Correction

In FR Doc. 79-8628 appearing at page 17480 in the issue for Thursday, March 22, 1979, make the following correction: On page 17482, in the first column, in § 275.5(c), in the 20th line, "NBSA" should read "NBS".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

15 CFR Part 375

Increase in Value Exemption for Submission of International Import Certificates and Statement by Ultimate Consignee and Purchaser

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: FINAL RULE.

SUMMARY: Applications for many validated export licenses and requests for certain reexport authorizations must be accompanied by supporting documentation concerning the disposition abroad of the goods intended for export or reexport to Country Groups Q, S, V, W, Y and Z. Documentation is required in the form of an International Import Certificate or a Consignee/Purchaser Statement. However, there are several criteria under which a transaction may be exempt from documentation requirements. This revision increases the value exemption from $3,300 to $4,000. This change is made in order to reflect the general increase in price levels since the $3,300 exemption was instituted. This revision does not affect the Yugoslav End-Use Certificate and the Swiss Blue Import Certificate.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Dale Snell, Chief, Management Services Branch, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Tel. 202-377-2440).

SUPPLEMENTARY INFORMATION: The documentation requirements of the *Export Administration Regulations* state that a Form DIB-629, Statement by Ultimate Consignee and Purchaser, or an International Import Certificate must be submitted with certain specified export license applications. There is an exemption, however, when the total value of all items on an application classified under a single entry on the Commodity Control List is less than $3,300. This exemption is now increased to $4,000 to reflect the impact of inflation on the price of goods exported.

As in the past, if a multiple transaction International Import Certificate specifies the value of commodities, all export license applications citing this document, including those applications covering commodities valued at less than the exemption, now $4,000, will be charged against the amount specified.

The requirements for the submission of Swiss Blue Import Certificates and Yugoslav End-Use Certificates do not include exemptions based on value and, therefore, are not affected by this revision. It has been determined that this regulatory revision is "not significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082 *et seq.*, January 9, 1979) and Industry and Trade Administration Administrative Instructions 1-6 (44 FR 2093 *et seq.*, January 9, 1979) which implement Executive Order 12044 (43 FR 12661 *et seq.*, March 23, 1978), "Improving Government Regulations".

Accordingly, Part 375 of the *Export Administration Regulations* (15 CFR Part 375) is revised as follows:

1. The first sentence of § 375.2(b)(2) and the last sentence of § 375.2(e)(6) are revised by deleting "$3,300" and inserting in lieu thereof "$4,000" as follows:

§ 375.2 Form DIB-629, statement by ultimate consignee and purchaser.

* * * * *

(b) * * *

(2) The total value of commodities classified under a single entry on the Commodity Control List (as shown on the export order covering the application) is less than $4,000. However, this total value exemption does not apply to an application supported by a Form DIB-629 covering multiple transactions;

* * * * *

(e) * * *

(6) *Validity period.* * * * During its validity period, a Form DIB-629 prepared as a multiple transactions statement will be deemed as supporting all exports of the specified commodities from the U.S. exporter to the same

consignee and purchaser for which license applications are submitted to the Office of Export Administration (including those that are based on export orders of less than $4,000, and would therefore not be subject to this same requirement under the procedure for a single transaction statement).

* * * * *

2. Section 375.3(d)(1) is revised by deleting "$3,300" and inserting in lieu thereof "$4,000", and the second sentence of § 375.3(g)(2) is revised by deleting "$3,300" and inserting in lieu thereof "$4,000" as follows:

§ 375.3 International import certificate and delivery verification certificate.

* * * * *

(d) * * *

(1) A license application to export commodities classified in a single entry on the Commodity Control List, the total value of which, as shown on the export order, is less than $4,000, except where a multiple transactions Import Certificate is filed in accordance with § 375.3(g)(2) below:

* * * * *

(g) * * *

(2) *Multiple Transactions Certificate.* * * * If a multiple transactions Import Certificate specifies the amount of the commodities (in terms of either quantity or value), all export licenses, including those covering a commodity valued at less than $4,000, will be charged against the amount specified.

* * * * *

(Sec. 4, Pub. L. 91–184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10–3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45–1, dated December 4, 1977, 42 FR 64716 (1977))

Stanley J. Marcuss,
Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 79–10042 Filed 4–2–79; 8:45 am]

BILLING CODE 3510–25–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

Order To Cease and Desist Issued to American Society of Anesthesiologists, Inc.; Rescission/Correction

AGENCY: Federal Trade Commission.

ACTION: Rescission and correction.

SUMMARY: FR Doc. 79–5717 appearing in Federal Register issue for Tuesday, February 27, 1979, 44 FR 11060, contained a number of misstatements of fact regarding the provisions of the consent order to cease and desist referred to therein. Therefore, that document is rescinded in its entirety and the correct information is set forth below.

DATES: Effective April 3, 1979.

FOR FURTHER INFORMATION CONTACT: FTC/SSR, Gregory E. Hales, Washington, D.C. 20580, (202) 724–1184.

SUPPLEMENTARY INFORMATION: The document published in the Federal Register identified above contained a number of misstatements of fact regarding the provisions of the consent order to which it referred. Further, incorrect information regarding the content of the order to cease and desist actually issued by the Commission was set forth. Accordingly, FR Doc. 79–5717, appearing at 44 FR 11060, is hereby rescinded in its entirety, and the correct form of the document appears below.

* * * * *

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Park Ridge, Ill. medical society, composed mainly of physicians who are engaged in the practice of anesthesiology, to cease importuning or engaging in threats or acts of reprisal, coercion, or intimidation for the purpose of restricting its members to a fee-for-service arrangement; including statements relating to compensation arrangements in membership documents; and conditioning membership privileges on compensation arrangements. The society is further required to cease publishing or disseminating data that refers to censure or other sanctions against present or former members for practicing on an other than fee-for-service arrangement; and inform affected parties accordingly. The order additionally requires the society to revoke the charter of any component society whose authorizing officer fails to submit to the society a sworn statement agreeing to comply with certain terms of the order.

DATES: Complaint and order issued January 22, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580, (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Wednesday, October 11, 1978, there was published in the Federal Register, 43 FR 46856, corrected 43 FR 50698, a proposed consent agreement with analysis in the Matter of The American Society of Anesthesiologists, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, but, with the Commission having duly considered the recommendations of its staff and the assent of respondent to a revised order, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its modified order to cease and desist in disposition of this proceeding.

The prohibited trade practices and/or corrective actions as codified under 16 CFR 13, are as follows: Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.472 To restrain competition in buying. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–60 Release of general, specific, or contractual constrictions, requirements, or restraints.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45).

The modified order to cease and desist is as follows:

Order

I

For purposes of this Order, the following definitions shall apply:

A. The term "ASA" means The American Society of Anesthesiologists, Inc., its successors or assigns, its committees or organizational subdivisions, and, in their capacities as such or while representing the Society, its officers, agents, representatives, employees or authorized delegates;

B. The term "Membership Document" means any document the acceptance of which or adherence to the terms of which is a condition of membership privileges;

C. The term "Official Position" means an oral or written statement which is made by ASA or any of its Component Societies;

D. The term "Component Society" means any organization duly chartered as such by ASA, any successor or assign to any Component Society, any committee or organizational subdivision

[1] Copies of the Complaint and Decision and Order filed with the original document.

of any Component Society, and, in their capacities as such or while representing a Component Society, any officers, agents, representatives, employees or authorized delegates; and

E. The term "Effective Date Of This Order" means the date of service of this Order.

II

It is ordered that ASA directly or through any corporation, subsidiary, division or other device, or through employment of any method, act, practice or procedure, shall cease and desist from:

A. Importuning or engaging in threats or acts of reprisal, coercion, or intimidation with the purpose or effect or restraining or impeding anesthesiologists individually or as a class of practitioners from engaging in the practice of anesthesiology other than on a fee-for-service arrangement;

B. Including within any Membership Document any statement which relates to the fee-for-service, salary or any other compensation arrangement of anesthesiologists individually or as a class of practitioners; and

C. Conditioning any privilege of membership upon the fee-for-service, salary or any other compensation arrangement of anesthesiologists individually or as a class of practitioners.

III

It is further ordered that, except as required by subpoena or other legal process, ASA is prohibited from publishing, disseminating or distributing in any manner any list, compilation, document or statement that refers to censure or other sanction against any present or former member, the grounds for which was failure of such member to accept or to adhere to the terms of any Membership Document of Official Position which prohibited anesthesiologists individually or as a class of practitioners from engaging in the practice of anesthesiology on other than a fee-for-service arrangement, and ASA shall advise any such members (if living) of this prohibition.

IV

It is further ordered that ASA shall for a period of ten (10) years following the Effective Date Of This Order cease and desist from making any statement which contains an Official Position which relates to the fee-for-service, salary or other compensation arrangement of anesthesiologists individually or as a class of practitioners, unless such statement contains and is not inconsistent with the following language:

It is the official policy of The American Society of Anesthesiologists, Inc. that an anesthesiologist is free to choose whatever arrangement he prefers for compensation of his professional services. The Society does not consider the compensation arrangement so chosen to be a matter of professional ethics.

This Part does not modify the requirements of Part II of this Order.

V

It is further ordered that ASA shall:

A. At the first Annual Meeting of ASA's House of Delegates subsequent to 180 days after the Effective Date Of This Order, revoke the charter of any Component Society which, prior to the meeting of ASA's Board of Directors immediately preceding such Annual Meeting, has not informed ASA by a sworn statement of an authorized officer that the Componenet Society has (1) agreed to comply with the requirements of Part II of this Order, and brought its own Membership Documents and Official Positions into conformity with the requirements of that Part, (2) agreed to the prohibition of Part III of this Order, so that, except as required by subpoena or other legal process, the Component Society is prohibited from publishing, disseminating or distributing in any manner, any list, compilation, document or statement that refers to censure or other sanction against any present or former Component Society or ASA member, the ground for which was failure of such member to accept or to adhere to the terms of any Membership Document or Official Position which prohibited anesthesiologists individually or as a class of practitioners from engaging in the practice of anesthesiology on other than a fee-for-service arrangement, and (3) agreed to abide by the requirements of Part IV of this Order, so that every statement of the Component Society which contains an Official Position which relates to the fee-for-service, salary or other compensation arrangement of anesthesiologists individually or as a class of practitioners, contains and is not inconsistent with the following language:

It is the official policy of [name of Component Society] that an anesthesiologist is free to choose whatever arrangement he prefers for compensation of his professional services. The [name of Component Society] does not consider the arrangement so chosen to be a matter of professional ethics.

B. On or before June 4, 1979, distribute by first class mail a copy of the Commission's Complaint and Order in this matter to each of the aforesaid Component Societies and to each of ASA's then current members, together with a letter on ASA's regular letterhead in the form shown in the Appendix attached hereto.

VI

It is further ordered that nothing in this Order shall prohibit or limit the organizations and persons subject to this Order from petitioning the government for a redress of grievences by:

A. Preparing or furnishing testimony, information or advice to, or negotiating with, any government body or agency or furnishing drafts thereof to any organization which is preparing or furnishing testimony, information or advice to, or negotiating with, any government body or agency with respect to the same subject matter;

B. Advising its members and others of legislation, programs, policies, regulations, procedures or interpretations of any government body or agency and soliciting their views thereon;

C. Informing members and others of any testimony, information or advice supplied to, or negotiations with, any government body or agency; and

D. Suggesting or recommending that members or others undertake the activities enumerated in subparagraphs (A), (B) and (C) above;

but only as long as the activities enumerated in this Part VI are not undertaken with the purpose or intent of achieving a result prohibited by part II of this Order through means other than the action of a government body or agency.

VII

It is further ordered that ASA shall, on or before June 4, 1979, and thereafter on the first anniversary date of the Effective Date Of This Order, and at such other times as the Commission may by written notice to the respondent require, file or cause to be filed with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this Order. All compliance reports shall include such other information and documentation as may be required to show compliance with this Order.

VIII

It is further ordered that ASA shall notify the Commission at least thirty (30) days prior to any proposed change in its structure resulting in the emergence of a successor corporation, or any other

change in its structure, which may affect obligations arising out of this Order.

Carol M. Thomas,
Secretary.

Appendix

[ASA Regular Letterhead]

To the Members and Component Societies of the American Society of Anesthesiologists, Inc.:

As some of you have been aware, the Federal Trade Commission ("FTC") in September 1977 initiated an investigation of the extent to which members and component societies of ASA were required to accept or adhere to certain principles, contained in documents approved by the ASA House of Delegates, which related to the fee-for-service, salary or other compensation arrangements of anesthesiologists.

The Board of Directors and House of Delegates have determined that they do not desire to impose any such condition nor to impose any sanction against an ASA member for failure to accept or adhere to such principles. Accordingly, ASA has with approval of its House of Delegates reached agreement with the FTC, resulting in the issuance by the FTC of a complaint on ————, and the entry of a consent order. The complaint and the order are attached to this letter. The order, rather than this letter, is the document which legally binds ASA and others. You should carefully review it.

The complaint alleges that the promulgation and enforcement of those provisions of the Statement of Policy and Guidelines to the Ethical Practice of Anesthesiology which relate to compensation arrangements have had the effect of:

(a) Fixing, establishing, maintaining or otherwise influencing the prices which anesthesiologists charge for their services;

(b) Limiting the ability of hospitals to freely negotiate and conclude contracts with ASA members and others;

(c) Otherwise restraining, limiting and foreclosing competition among anesthesiologists; and

(d) Depriving consumers of the benefits of competition.

The agreement containing the consent order states that it is for settlement purposes only and does not constitute an admission by ASA of the charges in the complaint or that the law has been violated. The consent order itself requires, in summary, that ASA:

(a) Refrain from importuning or engaging in threats or acts of reprisal, coercion, or intimidation with the purpose or effect of restraining or impeding anesthesiologists individually or as a class of practitioners from engaging in the practice of anesthesiology other than on a fee-for-service arrangement;

(b) Not include within any membership document any statement which relates to the fee-for-service, salary or any other compensation arrangement of anesthesiologists;

(c) Not condition any privilege of membership upon the fee-for-service, salary or any other compensation arrangement of anesthesiologists;

(d) Not publish, disseminate or distribute (unless required to do so by subpoena or other legal process) any list, compilation, document or statement that refers to censure or other sanction imposed upon any member for failure to accept or adhere to any position or policy which prohibited anesthesiologists from practicing on other than a fee-for-service arrangement, and notify any such member of this prohibition;

(e) For a period of ten years, refrain from making any statement which contains an ASA official position which relates to the fee-for-service, salary or other compensation arrangement of anesthesiologists unless the statement contains and is not inconsistent with the following language:

It is the official policy of The American Society of Anesthesiologists, Inc. that an anesthesiologist is free to choose whatever arrangement he prefers for compensation of his professional service. The Society does not consider the compensation arrangement so chosen to be a matter of professional ethics;

(f) Revoke the charter of any component society which does not (1) agree to abide by the provisions of the order, and (2) bring its own membership documents, guidelines, policies and statements into conformity with these provisions.

The order also provides that nothing in it shall prohibit or limit the organizations and persons subject to the order from petitioning the government for a redress of grievances by:

(a) Preparing or furnishing testimony, information or advice to, or negotiating with, any government body or agency or furnishing drafts thereof to any organization which is preparing or furnishing testimony, information or advice to, or negotiating with, any government body or agency with respect to the same subject matter;

(b) Advising its members and others of legislation, programs, policies, regulations, procedures or interpretations of any government body or agency and soliciting their views thereon;

(c) Informing members and others of any testimony, information or advice supplied to, or negotiations with, any government body or agency; and

(d) Suggesting or recommending that members or others undertake the activities enumerated in subparagraphs (a), (b) and (c) above;

but only as long as the activities enumerated above are not undertaken with the purpose or intent of achieving a result which is prohibited by the order through means other than the action of a government body or agency.

Henceforth, it will be the official policy of ASA that an anesthesiologist is free to choose whatever method he prefers for compensation of his professional services, and that the compensation arrangement so chosen will not be a matter of professional ethics. The financial arrangements between an anesthesiologist and a hospital or other institutional provider of health care will not be the basis for the denial to an anesthesiologist of ASA membership or any privilege of ASA membership.

Sincerely,

————.

[Docket C-2952]
[FR Doc. 79-10234 Filed 4-2-79; 8:45 am]
BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 240, 275

Miscellaneous Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Miscellaneous amendments.

SUMMARY: This document sets forth miscellaneous amendments of a technical or editorial nature and removes certain obsolete provisions from Title 17 of the Code of Federal Regulations.

EFFECTIVE DATE: March 22, 1979.

FOR FURTHER INFORMATION CONTACT: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 755-1160.

SUPPLEMENTARY INFORMATION: Since these amendments are technical or editorial in nature, it is found that prior notice and public procedure are unnecessary. Accordingly, Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

Section 210.4-01 is amended to read as follows:

§ 210.4-01 Application of §§ 210.4-01 to 210.4-08.

Sections 210.4-01 to 210.4-08 shall govern the presentation of consolidated and combined financial statements.

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

§ 240.16b-7 [Amended]

1. In § 240.16b-7 paragraph (c) is amended by deleting the word "security" and inserting the word "sale" in lieu thereof immediately preceding

the parenthetical phrase "(Other than a sale * * *)".

§§ 240.12f-7, 240.12g3-1, 240.17f-2(T) and 240.17Ac2-1(T) [Deleted]

2. The provisions of §§ 240.12f-7, 240.12g3-1, 240.17f-2(T), and 240.17Ac2-1(T) have expired and they are hereby deleted.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

§ 275.206A-1(T) [Deleted]

The provisions of § 275.206A-1(T) have expired and it is hereby deleted.

George A. Fitzsimmons,
Secretary.
March 22, 1979.

[Release Nos. 33-6039; 34-15669; 35-20967; IC-10635; IA-670]
[FR Doc. 79-10119 Filed 4-2-79; 8:45 am]
BILLING CODE 8010-01-M

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17 CFR Part 270

Registration of an Indefinite Number of Investment Company Shares

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The rule amendment specifies the number of copies of the notice required to be filed annually by issuers registering securities pursuant to the rule, and requires that the file number of the appropriate registration statement appear below the notice caption.

EFFECTIVE DATE: April 21, 1979.

FOR FURTHER INFORMATION CONTACT: Steven M. Felsenstein, Esq., Division of Investment Management, U.S. Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 202-376-8049.

SUPPLEMENTARY INFORMATION: On November 3, 1977 the Commission adopted [1] Rule 24f-2 (17 CFR 270.24f-2) pursuant to Sections 24(f) and 6(c) of the Investment Company Act of 1940 ("1940 Act") (15 U.S.C. 80a-24(f) and 80a-6(c)) to allow certain issuers to register an indefinite number of securities under the Securities Act of 1933 ("1933 Act") (15 U.S.C. 77a et seq.). The rule requires that an issuer utilizing its provisions must file an annual notice indicating the number of securities actually sold pursuant to the rule during the issuer's preceding fiscal year.

This amendment is based on the Commission's initial experience in administering the rule, which indicates that an insufficient number of copies of the notice are being filed, and that appropriate file numbers are not indicated thereon. The amendment requires that the issuer file five copies of each such notice, at least one of which shall be manually signed. The amendment also requires that the file number of the 1933 Act registration statement as to which the notice is filed appear below the caption of the notice. These procedural requirements will facilitate the Commission's accurate and efficient handling of these notices.

[1] Release No. 33-5881, IC-9989 (42 FR 58400, November 9, 1977).

Conclusion

The Commission has determined that the amendment to the rule is necessary for the accurate and efficient administration of the rule, imposes no substantive burden on issuers, and further finds that it is unnecessary to solicit public comment on the amendment, and for such reasons the amendment is adopted without prior notice and solicitation of public comment.[2]

In consideration of the foregoing, Chapter II of Title 17 of the Code of Federal Regulations is hereby amended by the amendment of § 270.24f-2(b)(1), as set forth below.

Section 270.24f-2(b)(1) is amended to read as follows:

§ 270.24f-2 Registration under the Securities Act of 1933 of an indefinite number of certain investment company securities.

* * * * *

(b)(1) If an issuer has filed a registration statement or post-effective amendment with a declaration authorized by paragraph (a)(1) of this section, it shall, with respect to such registration statement and within six months after the close of any fiscal year during which such declaration was in effect, file five copies of a notice ("Rule 24f-2 Notice"), at least one of which shall be manually signed, containing the following information:

(i) The fiscal year for which the notice is filed;

(ii) The number or amount of securities of the same class or series, if any, which had been registered under the Securities Act of 1933 other than pursuant to this section but which remained unsold at the beginning of such fiscal year;

(iii) The number or amount of securities, if any, registered during such fiscal year other than pursuant to this section;

(iv) The number or amount of securities sold during such fiscal year; and

(v) The number or amount of securities sold during such fiscal year in reliance upon registration pursuant to this section. The notice shall be accompanied by an opinion of counsel indicating whether the securities the registration of which the notice makes definite in number were legally issued, fully paid, and non-assessable. Such notice shall be filed by letter captioned "Rule 24f-2 Notice for *(name of registrant),*" shall show under such caption the file number of the registration statement of the issuer under the Securities Act of 1933 for which such notice is filed, and shall be accompanied by the additional filing fee, if any, specified in paragraph (c) of this section.

(Sec. 24(f) of the Investment Company Act of 1940) (15 U.S.C. 80a-24(f))

(Sec. 6(c) of the Investment Company Act of 1940) (15 U.S.C. 80a-6(c)

By the Commission.

George A. Fitzsimmons,
Secretary.
March 22, 1979.

[Release No. 33-6038, IC-10634]
[FR Doc. 79-10120 Filed 4-2-79; 8:45 am]
BILLING CODE 8010-01-M

[2] Section 553(b)(A) and (B) of the Administrative Procedure Act (5 U.S.C. 553(b)(A) and (B)) provides that the Commission need not give public notice of a proposed rulemaking when the agency finds the matter is a rule "of agency organization, procedure, or practice," or finds such notice "impracticable, unnecessary, or contrary to the public interest."

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154 and 157

Natural Gas Policy Act; Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending filing requirements relating to certain natural gas sold under the pricing provisions of the Natural Gas Policy Act of 1978. In order to avoid unduly burdensome monthly rate change filings by producers, the procedure allowing a one-time blanket affidavit filing has been expanded to include gas finally determined to qualify as certain Outer Continental Shelf gas and stripper well gas. Because a producer cannot know precisely in advance when a final determination will be made relating to

these two categories of gas, the regulations are amended to allow a rate change filing to establish the applicable base rate to take effect on the later of the date of final determination or of initial deliveries, if filed within thirty days of final determination.

EFFECTIVE DATE: March 27, 1979.

FOR FURTHER INFORMATION CONTACT:
Mark G. Magnuson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275–4850.
Howard Kilchrist, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275–4539.

SUPPLEMENTARY INFORMATION:

Order No. 25

(Issued March 27, 1979.)

Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, Georgiana Sheldon, and George R. Hall.
Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements; Docket No. RM79–31.

The Federal Energy Regulatory Commission (Commission) gives notice that it hereby amends §§ 154.94 and 157.40 concerning filing requirements relating to certain natural gas sold pursuant to the pricing provisions of the Natural Gas Policy Act of 1978 (NGPA).

I. *Background*

On November 17, 1978, and December 28, 1978, the Commission issued Order Nos. 15 and 15–A in this docket which amended Parts 154 and 157 of its regulation relating to producer filing requirements. The amended regulations require a producer to file a blanket affidavit with the Commission in order to charge and collect a maximum lawful price including periodic escalations under sections 104 and 106(a) of the NGPA. Since sections 104 and 106(a) of the NGPA cover gas which was committed or dedicated to the interstate market as of November 8, 1978, the rate change filing requirements of the Natural Gas Act continue to apply to such gas even though the price therefore is determined in accordance with the provisions of the NGPA. The amendments adopted in Order Nos. 15 and 15–A provide for a one-time blanket affidavit filing by a producer selling section 104 or 106(a) gas. They were necessary to avoid the unduly burdensome monthly rate change filings which would have been required under the old regulations. Without the amendments, section 104 and 106(a) producers would have been required to file a rate change every time they intended to charge and collect the additional increment in the NGPA maximum lawful price reflecting the monthly inflation adjustment.

In Order No. 15 the Commission also recognized the fact that the rate change filing requirements of the Natural Gas Act would continue to apply to natural gas which was committed or dedicated to the interstate market as of November 8, 1978 and which is subject to the interim collection provisions of section 503(e) of the NGPA. The Commission determined that the filing requirements imposed by that section would satisfy the filing and notice requirements of the Natural Gas Act.[1]

One problem remains to be addressed. This concerns the filing requirements for natural gas which was committed or dedicated to the interstate market as of November 8, 1978 and for which a jurisdictional agency's determination of eligibility has become final. The categories of natural gas for which a determination of eligibility is made by a jurisdictional agency are new natural gas (as defined in section 102(c) of the NGPA), certain OCS gas (section 102(d)), gas from new onshore production wells (section 103), high cost natural gas (section 107) and stripper well natural gas (section 108). Until a final determination of eligibility has been made regarding each of these categories of gas, the prices therefore are charged in accordance with the interim collection procedures of section 503(e), which, as noted above, have been deemed to satisfy the filing and notice requirements of the Natural Gas Act.

Furthermore, once a final determination has been made that natural gas qualifies as new natural gas, high-cost natural gas or gas from new onshore production wells, the sale of such natural gas is no longer subject to the Commission's jurisdiction as provided in section 601(a)(1)(B) of the NGPA. Accordingly, the filing and notice requirements of the Natural Gas Act would not apply to these categories of natural gas after a final determination of eligibility has been made, but such requirements would continue to apply to certain OCS gas (section 102(d)) and stripper well natural gas (section 108).

Since both the sections 102(d) and 108 gas categories receive the monthly inflation adjustment, it is necessary to provide a blanket affidavit procedure covering these categories of gas in order to avoid the necessity of monthly rate change filings, a requirement that the Commission has already determined to be inappropriate in the case of sections 104 and 106(a) gas. The amendments adopted herein would revise our current blanket affidavit procedure set forth in § 154.94(h) in order to expand the blanket affidavit coverage to include natural gas which has been finally determined to be section 102(d) or 108 gas.

Under the procedure implemented by Order Nos. 15 and 15–A, the blanket affidavit filings covered the maximum lawful prices established in sections 104(b)(1)(A) or 106(a) to which the producer was entitled on the basis of having qualified under the Natural Gas Act for a base rate. We shall expand the definition of base rate to include a rate applicable to natural gas which has been finally determined to be eligible under sections 102(d) or 108 of the NGPA. However, we shall provide that a rate change filing to establish a section 102(d) or 108 base rate may take effect on the date of final determination or date of initial deliveries, whichever is later, if filed within thirty days of the date of final determination. This amendment is necessary because a producer cannot know with precision ahead of time a particular date of final determination. In cases where a producer does not make the requisite rate change filing within thirty days of the date of final determination, he would be subject to the rule originally promulgated in Order No. 15 at § 154.94(h)(2)(iii) that the rate change filing takes effect on the thirty-first day after date of filing (or any later effective date specified in the filing), unless such filing has been suspended or rejected.

We have also revised the form of the blanket affidavit and the instructions therefor in Appendix A and Exhibit A to § 154.94 to include reference to the collection of the sections 102(d) and 108 maximum lawful prices. Producers receiving their initial section 102(d) or 108 final determinations will be required to file this amended form of the blanket affidavit in order to cover such sales under the blanket affidavit. We shall provide that such amended blanket affidavit filed concurrently with the rate change filing to collect the section 102(d) or 108 base rate shall become effective on the date the rate change filing becomes effective. However, we note that under § 154.94(h)(3)(ii) further affidavit filings would not be necessary if future filings to establish the section 102(d) or 108 base rate state that such first sales would be covered by the previously filed amended affidavit.

[1] *See* § 154.94(i) of the Commission's Regulations.

Also, we find it necessary to revise our protest procedure set forth in § 154.94(h)(8). This procedure currently calls for a protest to be filed only in response to the filing of a blanket affidavit. However, in the case of sections 102(d) and 108 gas, a rate change filing to establish the base rate must be filed once under each rate schedule when a producer receives a final determination of eligibility applicable to the first well or wells under such rate schedule which qualify for the section 102(d) or 108 base rate. This procedure will be used to establish the contractual authority to charge the 102(d) and 108 rates as well as to satisfy the notice requirements of the Natural Gas Act. We shall amend § 154.94(h)(8) in order to provide an opportunity for parties to protest each rate change filing that may be required for the establishment of the section 102(d) or 108 base rate.

Finally, § 157.40 of the regulations is amended herein to provide that small producers may charge the rate prescribed in sections 102(d) and 108 of the NGPA pursuant to the blanket certificate provided for in § 157.40(b).

The Commission is making these amendments effective upon the date of issuance upon a finding that good cause exists to proceed without compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553. These changes in rate filing requirements must be immediately effective in order to avoid an unduly disruptive transition from the pricing rules established under the Natural Gas Act to those prescribed under the NGPA. For this reason, the Commission has found it necessary to make these amendments effective upon issuance of this order.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Department of Energy Organization Act, P.L. 95–91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Parts 154 and 157 of Subchapter E, Chapter I, Title 18, Code of Federal Regulations, are amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,
Secretary.

§ 154.94 [Amended]

1. Section 154.94(h) is amended as follows:

(a) By deleting "or 102(a)" in the first sentence of paragraph (h)(1) and inserting in lieu thereof ", 106(a), 102(d) or 108".

(b) By revising subparagraph (h)(2)(i), adding two sentences at the end of subparagraph (h)(2)(iii), adding a new subparagraph (h)(4)(iii), and adding a new sentence at the end of subparagraph (h)(8), to read as follows:

§ 154.94 Changes in rate schedules.

* * * * *

(h) *Blanket filing.* * * *

(2) *Base rate.* * * *

(i) *Definition.* "Base rate" means a just and reasonable rate under the NGPA applicable to a first sale of natural gas or a rate under sections 102(d) or 108 of the NGPA for which a jurisdictional agency's determination of eligibility has become final within the meaning of § 273.102 of this chapter.

* * * * *

(iii) *Date of base rate.* * * * In the case of natural gas eligible under section 102(d) or 108 of the NGPA, a rate change filing under the preceding paragraphs of this section to collect the applicable maximum lawful price which is filed within thirty days of the date a determination of eligibility has become final under § 273.102 of this chapter takes effect on the date such determination becomes final or the date of initial deliveries, whichever is later. In the case of final determinations made before March 31, 1979, such rate change filings take effect on the date of final determination if the rate change is filed on or before April 30, 1979.

* * * * *

(4) *Effective date of coverage under affidavit.* * * *

(iii) Affidavits filed with respect to natural gas eligible under section 102(d) or 108 of the NGPA, and filed concurrently with rate change filings to collect the base rate, become effective as to deliveries pursuant to a first sale beginning on the date the rate change filing takes effect.

* * * * *

(8) *Protest procedure.* * * * In the case of natural gas eligible under section 102(d) or 108 of the NGPA, any protest to a rate change filing required to be filed under the preceding paragraphs of this section shall be filed within thirty days after the filing of the rate change filing, or in the case of a rate change filing filed before April 30, 1979, on or before May 31, 1979.

Appendix A to § 154.94 [Amended]

2. Appendix A to § 154.94 is amended in paragraph (1) of the Blanket Affidavit Filing under § 154.94(h) by deleting "or 106(a)" and inserting in lieu thereof ", 106(a), 102(d) or 108".

Exhibit A to § 154.94 [Amended]

3. Instruction for Completing Exhibit A to § 154.94 is amended by deleting "or 102(a)" and inserting in lieu thereof in I. *General Instructions*, ", 106(a), 102(d) or 108".

4. Section 157.40(c) is amended in subparagraph (c)(6) by:

(a) Deleting "or 106(a)" and inserting in lieu thereof ", 106(a), 102(d) or 108".

(b) Moving subparagraph (c)(6) to the end of subparagraph (c)(1) and redesignating it § 157.40(c)(1)(v).

[Docket No. RM79–31]

[FR Doc. 79–10039 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

TREASURY DEPARTMENT

Customs Service

19 CFR Part 101

Ports of Entry and Customs Stations, Changes in the Customs Field Organization

Correction

In FR Doc. 79–6573 appearing at page 12029 in the issue for Monday, March 5, 1979, in the third column of page 12029, in the ninth line of the description of geographical boundaries of the Sault Ste. Marie, Michigan, port of entry, change ". . . sections 24, 25, 26, and 33 . . ." to read ". . . sections 24, 25, 26, and 35 . . .".

[T.D. 79–74]

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 184

Agar-Agar; Direct Food Substances Affirmed as Generally Recognized as Safe

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that agar-agar is generally recognized as safe (GRAS) as a direct human food ingredient with specific limitations. The safety of this ingredient has been evaluated under the comprehensive safety review being conducted by this agency.

EFFECTIVE DATE: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 19, 1977 (42 FR 41876), the agency proposed to affirm that agar-agar is GRAS for use as a direct human food ingredient with specific limitations. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on agar-agar, reports of teratogenic and mutagenic tests for the ingredient, and the report of the Select Committee on GRAS Substances (the Select Committee) have been made available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

In addition to proposing that agar-agar be affirmed as GRAS, the Commissioner of Food and Drugs gave public notice that he was unaware of any prior-sanctioned food ingredient use for this ingredient, other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of the sanction so that the safety of the prior-sanctioned use could be determined at this time. That notice was also an opportunity to have prior-sanctioned uses of agar-agar approved by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), if the prior-sanctioned use could be affirmed as safe on the basis of information and data then available to the Commissioner. Notice was also given that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert the sanction at any future time.

No reports of prior-sanctioned use for agar-agar were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for use of agar-agar under conditions different from those set forth in this regulation has been waived.

Twenty-two comments were received in response to the Commissioner's proposal and supporting data and information on agar-agar. A summary of the comments and the Commissioner's conclusions on them follow:

1. Eighteen comments contained information indicating higher current levels of use for agar-agar than those permitted in the proposal for confections, frostings, and soft candy. Several of these comments stated that they were unaware of or did not recognize the importance of the 1971 request by the National Academy of Sciences/National Research Council (NAS/NRC) to furnish data relating to agar-agar usage and, therefore, did not participate in that survey. One of these comments, submitted by a candy manufacturer, reported a use level of 1.2 percent agar-agar used as a stabilizer and thickener in soft candy. The other 17 comments, submitted by trade associations and agar-agar users or suppliers, reported levels of from 0.4 percent to 2.0 percent agar-agar for use as a stabilizer and thickener in confections and frostings.

The Commissioner recognizes that the 1971 NAS/NRC survey was not comprehensive and, in fact, probably represented only 60 percent of food ingredient users in the United States. The Commissioner concludes that the usage levels reported in the comments for agar-agar in confections, frostings, and soft candy represent current good manufacturing practice. Although these new reported levels represent higher levels of use for agar-agar than were reported in the 1971 survey, and higher levels than those upon which the Select Committee based its safety evaluation, the Commissioner has determined that there are adequate safety data to support these higher levels of use in these limited food categories. These maximum usage levels are, therefore, included in this regulation. It is emphasized, however, that these higher permitted levels are not an authorization for use of this ingredient at any level higher than is necessary to achieve the intended effect in a specific food.

2. Four comments were received from a trade association and three users and suppliers requesting that agar-agar usage levels be established at from 0.5 percent to 1.8 percent in confections and frostings, 0.8 percent to 1.5 percent in baked goods, and 1.2 percent to 2.5 percent in all other food categories. However, no evidence was submitted with these comments to indicate that these requested levels represented current usage by food manufacturers.

Suggested or unsubstantiated usage levels do not necessarily represent current good manufacturing practice within the food industry. To establish that a certain usage level represents current good manufacturing practice, appropriate usage data based on a firsthand knowledge of current use of the ingredient in food processing should be submitted. Such adequate data is required to support new or extended uses of agar-agar in food. The Commissioner concludes that, except for the levels suggested for confections and frostings, the usage levels for agar-agar suggested in these four comments do not represent current good manufacturing practice and cannot be affirmed as GRAS.

3. It was noted in the proposal that the Select Committee expressed concern about the possibility that harmful concentrations of certain toxic heavy metals may be accumulated in commercial agar-agar if algae are harvested from coastal waters contaminated with these metals. The Commissioner has shared this concern and has investigated the background levels of individual heavy metals in agar-agar during the comment period. This investigation was part of a larger survey of 26 elements found in several sea-derived food ingredients, including red and brown algae, agar-agar, alginates, and carrageenan. For the elements of toxic concern, the highest levels that were reported in this investigation were less than 10 parts per million (ppm) arsenic, less than 2 ppm cadmium, 0.06 ppm selenium, and less than 10 ppm lead. Mercury was not reported in this study. All of the samples in this FDA study were reported to have levels at or below the limits of detection for each of the four elements measured. A trade association also presented unpublished heavy metal analyses of 10 samples of agar-agar obtained from different sources. The levels found in these analyses were 0.05 ppm arsenic, 0.015 ppm cadmium, 0.01 to 0.09 ppm lead, 0.01 to 0.06 ppm mercury, and 0.02 ppm selenium. The significantly higher levels reported in the FDA study, compared with those in the trade association study, can be attributed to the much greater sensitivity of the FDA methodology.

The Commissioner concludes that the calculated levels of intake of these heavy metals resulting from the use of agar-agar in food are extremely low and of no toxicological significance. The Commissioner further concludes that there is no need to adopt specific heavy metal specifications for the continued safe use of agar-agar, other than those recommended by the "Food chemicals Codex," 2d Ed. (1972).[1] Therefore, no change in the proposed food-grade specifications for agar-agar has been adopted.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

to the Commissioner (21 CFR 5.1), Parts 182 and 184 are amended as follows:

182.7115 [Deleted]

1. In Part 182 by deleting § 182.7115 *Agar-agar.*

2. In Part 184 by adding new § 184.1115 to read as follows:

§ 184.1115 Agar-agar.

(a) Agar-agar (CAS Reg. No. PM 9002–18–0) is a dried, hydrophyllic, colloidal polysaccharide extracted from one of a number of related species of red algae (class *Rhodophyceae*).

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used in food in accordance with § 184.1(b)(2) under the following conditions:

Maximum Usage Levels Permitted

Foods (as served)	Percent	Functions
Baked goods and baking mixes, § 170.3(n)(1) of this chapter.	0.8	Drying agent, § 170.3(o)(7) of this chapter; flavoring agent, § 170.3(o)(12) of this chapter; stabilizer, thickener, § 170.3(o)(28) of this chapter.
Confections and frostings, § 170.3(n)(9) of this chapter.	2.0	Flavoring agent, § 170.3(o)(12) of this chapter; stabilizer, thickener, § 170.3(o)(28) of this chapter; surface finisher, § 170.3(o)(30) of this chapter.
Soft candy, § 170.3(n)(38) of this chapter	1.2	Stabilizer and thickener, § 170.3(o)(28) of this chapter.
All other food categories	.25	Flavoring agent, § 170.3(o)(12) of this chapter; formulation aid, § 170.3(o)(14) of this chapter; humectant, § 170.3(o)(16) of this chapter; stabilizer, thickener, § 170.3(o)(28) of this chapter.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Effective date. This regulation shall be effective May 3, 1979.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: March 27, 1979.

William F. Randolph,

Acting Association Commissioner for Regulatory Affairs.

Note: Incorporation by reference was approved by the Director of the Office of the Federal Register on July 10, 1973 and is on file at the Federal Register Library.

[Docket No. 77N–0043]

[FR Doc. 79–10108 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF STATE

22 CFR Part 11

Appointment of Foreign Service Officers

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: These amendments reflect changes in policy and procedures being followed by the Department of State and the Board of Examiners of the Foreign Service in the appointment of Foreign Service officers through lateral entry.

EFFECTIVE DATES: January 1, 1979 for the exclusion of appointees to the Minority FSR Junior Officer Program and the Mustang Program from certain lateral entry procedures; December 15, 1976 for the elimination of the citizenship of spouse requirement for appointment; and November 1, 1978, for deletion of the "youngest 5 percent" requirement.

FOR FURTHER INFORMATION CONTACT: Wever Gim. (202) 235–9392.

SUPPLEMENTARY INFORMATION: The following summary highlights the major amendments to Part 11 of Title 22, Code of Federal Regulations:

1. The introductory sentence of § 11.11 is amended to reflect that candidates appointed to the Minority FSR Junior Officer Program or the Mustang Program on or after January 1, 1979 are subject to the commissioning and tenure process of the Career Candidate Program.

2. Section 11.11(d)(1) is amended to reflect the elimination of the citizenship of spouse requirement.

3. Section 11.11(d)(2) is amended to provide that appointees to the Minority FSR Junior Officer Program or the Mustang Program must meet the lateral entry service requirements on the date of commissioning action by the Commissioning and Tenure Board.

4. Section 11.11(d)(3)(i) is amended to eliminate the requirement that candidates for lateral entry must be no younger than the average of the youngest 5 percent of the officers already in the class for which the candidates are applying.

5. Section 11.11(d)(4) is amended to eliminate certain exceptions to the certification of need requirement.

6. Other sections are amended to reflect editorial changes stemming from amendments mentioned above or from current organizational structure.

Compliance with 5 U.S.C. 553 (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendments to 22 CFR 11.11 are beneficial to individuals applying for lateral entry into the Foreign Service and involve management functions which are exempt from 5 U.S.C. 553. Accordingly, section 11.11 of Title 22, Code of Federal Regulations, is amended as set forth below.

1. The introductory paragraph of section 11.11 and paragraphs (d)(1), (d)(2)(i), (d)(3)(i) and (d)(4) are amended to read as follows:

§ 11.11 Lateral entry appointments of Foreign Service officers to classes 1 through 7.

Appointments of Foreign Service officers, under the provisions of section 517 of the Foreign Service Act of 1946, as amended, are governed by the regulations in this section, except that paragraphs (d)(4) through (j) of this section do not apply to candidates who, on or after January 1, 1979, (a) were appointed to the Foreign Service under the Minority FSR Junior Officer Program, or (b) were accepted into the Mustang Program. Such candidates are subject to the commissioning and tenure process of the Career Candidate Program (see Foreign Affairs Manual Circular No. 749 or successor regulation).

* * * * *

(d) *Eligibility requirements*—(1) *Citizenship.* Each person appointed as a Foreign Service officer must be a citizen of the United States.

(2) *Service.* (i) On the date of application, or in the case of a candidate specified in the introductory paragraph of this section, on the date of commissioning action by the Commissioning and Tenure Board, a candidate must have completed at least 3 years of service (4 years if under age 31) in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as service as a Foreign Service Reserve or Foreign Service Reserve Unlimited officer at class 7, as Foreign Service Staff officer at class 6, in the Civil Service at GS–9, or in the Armed Forces of the United States at the grade of first lieutenant or

lieutenant junior grade, or higher. The duties and responsibilities of the position occupied by the applicant must have been similar or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and overseas work experience. To be eligible, an applicant must have been or currently be in a grade or classes comparable to FSO—6 (FSO–7 if the applicant is a career Foreign Service Staff or Foreign Service Reserve officer of the Department of State currently serving in the Foreign Service under the Mustang Program or the Minority FSR Junior Officer Program), or be receiving a base salary at least equal to the first salary step of that class.

* * * * *

(3) *Age.* (i) On the date of application, a candidate for lateral entry must be at least 30 years old and under 54 (under 50 if applying for appointment initially as a Foreign Service Reserve officer (FSO candidate)). The minimum age for appointment under the lateral entry program is 31, either as an FSO or as an FSR (FSO candidate). The maximum age for a Foreign Service officer appointment is 54 and the maximum age for appointment as a Foreign Service Reserve officer (FSO candidate) is age 50.

* * * * *

(4) *Certification of need.* The Department must certify that there is a need for the applicant as an additional Foreign Service officer in all cases.

* * * * *

2. Other paragraphs within § 11.11 are changed editorially to read as follows:

* * * * *

(b) *Magnitude.*(1) The Department places no numerical limitation on the lateral appointment of Foreign Service Reserve, Foreign Service Reserve Unlimited, Foreign Service Staff, and Civil Service officers on its rolls who apply and are certified on the basis of need by personnel management authorities for examination and are found qualified by the Board of Examiners.

* * * * *

(d) *Eligibility requirements.* (1) * * *

(2) *Service.* (i) * * *

(ii) Candidates who lack the required number of years of Federal service will be considered if they apply under the provisions of paragraph (b)(3) of this section. If found qualified, the candidate will be employed as a Foreign Service Reserve officer (FSO candidate) at the conclusion of the required 3 years of service, the candidate's performance record will be reviewed by the Board of Examiners to determine if it is sufficiently meritorious to justify appointment as a Foreign Service officer. If there is an affirmative finding, the candidate will be certified for such an appointment. If the candidate's performance record does not justify such certification the candidacy is terminated.

(3) *Age.* (i) * * *

(ii) The foregoing limitation regarding minimum age is not applicable to candidates of the Department of State currently serving in the Foreign Service under the Mustang Program or the Minority FSR Junior Officer Program, for whom the minimum age is 21.

* * * * *

(e) *Recruitment.* (1) * * *

(2) The Department also considers highly qualified applicants from other agencies of the Government and from outside the Federal service who meet the statutory and other eligibility requirements, and for whom there has been a certification of need as an additional Foreign Service officer. Appointments from these sources for the limited vacancies available are made on a competitive basis to fill specific needs after assuring that the vacancies cannot be filled by Foreign Service officers.

(f) *Methods of application.*—(1) *Forms.* * * *

(2) *Board action.* The Board of Examiners establishes a file for each applicant, placing therein all available documentation of value in evaluating the applicant's potential for appointment as a Foreign Service officer. The file is reviewed initially to determine if the applicant meets the statutory and other eligibility requirements and to assess the applicant's skills relative to the needs of the Service. The examination of candidates is based on the needs of the Service for specific skills and experience.

(g) *Examination for lateral entry*—(1) *General provisions.* The filing of an application with the Board of Examiners for the Foreign Service does not in itself entitle an applicant to examination. The decision whether to proceed with an oral examination, as well as with a detailed background investigation, is made by the Board of Examiners after determining eligibility for appointment, medical qualifications, and a thorough review of the applicant's qualifications. Each applicant's background, experience, performance, and other related documentation are carefully studied and evaluated. Careful consideration is given to the functional needs of the Service in making this assessment. A certification of need to the Board of Examiners by the Department's personnel management authorities is required before proceeding further with the examination. An oral examination is granted only in those cases where the applicant is found to possess superior qualifications, proven ability, and, at the middle levels, high potential for advancement.

(2) *Class of appointment.* In determining the class at which applicants are considered for appointment, the initial presumption is that the applicant is eligible for examination for the Foreign Service officer class which equates with the salary level at the time of examination. In evaluating qualifications and in conducting oral examinations, panels carefully assess applicants to determine whether their total qualifications compare favorably with officers at their current class level. However, the Board of Examiners, at its discretion, may certify an applicant for appointment as a Foreign Service officer at a class other than that equating to the salary in those instances where the Board determines that the applicant's qualifications clearly warrant such action. An applicant's total qualifications, as evaluated by the examining panels and the Board, will have an important bearing on the decision to certify an applicant for appointment at a class other than that which equates to the applicant's current salary.

* * * * *

(h) *Nature of examination*—(1) *Medical.* A medical examination is required for the applicant and any dependents who will reside with the applicant on tours abroad. Applicants and their dependents shall meet the physical requirements for full Foreign Service duty. Normally, failure to meet the medical requirements will preclude appointment as a Foreign Service officer. In exceptional cases, the appropriate Deputy Assistant Secretary for Personnel may grant a waiver of the physical requirements in the interest of the Service.

* * * * *

(5) *Written essay.* Applicants other than Department officers scheduled to take an oral examination will usually be asked to write an essay on the day of the examination on a topic to be specified to enable the panel of deputy examiners to judge the ability of the applicants to express themselves effectively and appropriately in writing.

(6) *Oral examination.* (i) * * *

(ii) The panel is responsible for determining whether the applicants are functionally qualified for work in the Service and whether they: (*a*) Would be

suitable representatives abroad for the United States; (*b*) have the potential to advance in the Foreign Service; and (*c*) have the background and experience to make a contribution to the Foreign Service.

* * * * *

(8) *Finding of examination panels.* Determination of duly constituted panels of examiners and deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service for applicants already employed by the Department for whom a certification of need has been issued. The applications of all other applicants will be considered by a Final Review Panel after the results of security, medical reference checks and language tests are at hand. The Final Review Panel shall take into account the grade assigned by the examining panel as well as information developed subsequently concerning the applicant and a final numerical grade will be given. The applicant's file will then be placed before the Board of Examiners for review. If approved by the Board, the candidate's name will be entered on the rank-order register for the class and functional specialty for which the candidate has been found qualified.

(i) *Certification for appointment.* (1) Applicants already employed by the Department for whom a certificate of need has been issued will be certified by the Board of Examiners for appointment after satisfactorily completing all aspects of the examination. The class and salary for which they have been found qualified will be specified in the certification.

* * * * *

(j) *Termination of eligibility.* Applicants who have qualified but have not been appointed because of lack of vacancies will be dropped from the rank-order register 24 months after their names are entered on the register. The Chairman of the Board of Examiners may extend their eligibility period when, in the Chairman's judgment, such extension is justified.

(k) *Interchange of Foreign Service officers and Foreign Service information officers between the Department of State and the International Communication Agency.* As the result of an agreement between the Department of State and the International Communication Agency, Foreign Service officers desiring to become Foreign Service information officers and Foreign Service information officers desiring to become Foreign Service officers may apply for lateral entry under the following provisions:

* * * * *

(2) *Certification of need*—(i) *From Foreign Service officer (FSO) to Foreign Service information officer (FSIO) status.* When a Foreign Service officer wishes to convert to Foreign Service information officer status, a certification of need is required from the Director, Office of Personnel Services, International Communication Agency, and approval is required by the appropriate Deputy Assistant Secretary for Personnel, Department of State, for the officer's release to the International Communication Agency.

(ii) *From Foreign Service information officer (FSIO) to Foreign Service officer (FSO) status.* When a Foreign Service information officer wishes to convert to Foreign Service officer status, a certification of need is required from the appropriate Deputy Assistant Secretary for Personnel, Department of State, and approval is required by the Director, Office of Personnel Services, International Communication Agency, for the officer's release to the Department of State.

(3) *Waiver of oral examination.* The oral examination requirement for lateral entry candidates from the Department of State to the International Communication Agency and vice versa is waived for candidates who otherwise satisfy the requirements established under paragraphs (d)(1), (2), and (3), paragraphs (h), (1), (2), and (3), and other appropriate provisions of this section. A review by the Board of Examiners is not required. The Executive Director of the Board of Examiners for the Foreign Service will certify the eligibility of candidates for appointments after the provisions under paragraph (k)(2)(i) or (ii) of this section, as appropriate, have been met.

* * * * *

(Secs. 212, 302, 303, 516, 517, 60 Stat. 1001, as amended, 1002, 1008, as amended; (22 U.S.C. 827, 842, 843, 911).

Dated: March 28, 1979.

For the Secretary of State.

Ben H. Read,

Under Secretary for Management, Department of State.

[Dept. Reg. 108.773]

[FR Doc. 79-10219 Filed 4-2-79; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF STATE

22 CFR Part 51

Passports; Waiver of Personal Appearance for Certain Applicants Abroad

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department's regulation governing the execution of passport applications is revised to extend to certain Foreign Service Posts abroad authority to accept passport applications in certain cases without requiring the personal appearance of applicants before consular officers. In addition, the Department regulation pertaining to photographs which are acceptable for use in passports is revised to eliminate the arbitrary period of time within which the picture must have been taken.

EFFECTIVE DATE: April 4, 1979.

FOR FURTHER INFORMATION CONTACT: A. R. Mackay, (202) 632-4770.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** (43 FR 51410, November 3, 1978) inviting interested persons to submit comments concerning the amendment by December 29, 1978. No unfavorable comments were received; therefore, the proposed amendment is adopted, without change, as set forth below.

For the Secretary of State.

Barbara M. Watson,

Assistant Secretary for Consular Affairs.

March 7, 1979.

In Title 22 CFR §§ 51.21 and 51.25 are amended as follows:

1. Section 51.21 is revised to read:

§ 51.21 Execution of passport application.

(a) *First-time applicants or persons who have not been issued a passport within 8 years of the date of a new application.* A person who has never been issued a passport in his or her own name, or who has not been issued a passport in his or her own name within 8 years of the date of a new application, shall appear in person, verify the application by oath or affirmation before a person authorized by the Secretary to give oaths, and pay the established fees.

(b) *Persons authorized by the Secretary to give oaths.* The following persons are authorized by the Secretary to give oaths for passport purposes:

(1) A passport agent;

(2) A clerk of any Federal court;

(3) A clerk of any State court of record or a judge or clerk of any probate court;

(4) A postal employee designated by the postmaster at a post office which has been selected to accept passport applications;

(5) A diplomatic or consular officer abroad; or

(6) Any other persons specifically designated by the Secretary.

(c) *Persons in the United States who have been issued a passport within 8 years of the date of a new application.* A person in the United States who has been issued a passport in his or her own name within 8 years of the date of a new application may obtain a new passport by filling out and mailing a specially prescribed application together with his or her previous passport, two signed recent photographs and the established fee to the nearest U.S. Passport Agency or to the Passport Office in Washington, D.C., provided:

(1) The previous passport was issued when the applicant was 18 years of age or older;

(2) No one else is to be included in the new passport; and

(3) The previous passport is submitted with the new application.

If the applicant is unable to meet any of the requirements of paragraph (c) he or she must follow the procedures set forth in paragraph (a) of this section.

(d) *Persons outside of the United States who have been issued a passport within 8 years of the date of the application.* In a foreign country in which a U.S. consular district has been designated by the Secretary to receive such passport applications, a person who has been issued a passport in his or her own name within 8 years of the date of the new application may obtain a new passport by filling out a specially prescribed application and sending it (by mail or another person as prescribed by the Secretary), together with his or her previous passport, two signed recent photographs and the established fee to the consular office in the consular district in which he or she is present (if that consular district is designated for this purpose by the Secretary), provided he or she meets the following requirements:

(1) The previous passport must have been issued when the applicant was 18 years of age or older;

(2) No one else is to be included in the new passport; and

(3) The previous passport must be submitted with the new application.

If the applicant is unable to meet the above requirements he or she must follow the procedures set forth in paragraph (a) of this section.

(e) *Inclusion.* * * *

(f) *Diplomatic and official passport applications.* * * *

In § 51.25, paragraph (a) is revised to read as follows:

§ 51.25 Photographs.

(a) *Photographs of bearer.* The applicant shall submit with his application duplicate photographs of the size specified in the application. The photographs should be sufficiently recent to be a good likeness of and satisfactorily identify the applicant. The photographs shall be signed in the same manner and form as required in the application. No joint photographs of the bearer and included person(s) will be acceptable.

* * * * *

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 2658); E.O. 11295, 36 FR 10603; 3 CFR 166—70 comp., p. 507.)

[FR Doc. 79-10110 Filed 4-2-79; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

Administrator Qualifications and Procedures for HUD Building Products Certification Programs

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: This Rule promulgates Administrator Qualifications and Procedures for HUD Building Products Certification Programs. Under these programs, organizations acceptable to HUD validate manufacturers' certifications that certain building materials or products meet applicable HUD standards. The rule also establishes the procedures which the program administrators must follow in certifying products.

EFFECTIVE DATE: May 3, 1979.

COMMENTS DUE: June 4, 1979.

ADDRESS: Comments should be addressed to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Copies of any comments received will be available for examination during business hours at this address.

FOR FURTHER INFORMATION CONTACT: Leslie H. Breden, Materials Engineer, Office of Architecture and Engineering Standards, Materials Acceptance Division, Department of Housing and Urban Development, Washington, D.C. 20410. Telephone: (202) 755–5929.

SUPPLEMENTAL INFORMATION: On August 1, 1978 (43 FR 33888) the Department published a Notice setting forth proposed Administrator Qualifications and Procedures for HUD Building Products Certification Programs. Under these programs organizations acceptable to HUD validate manufacturers' certifications that certain building materials or products meet applicable HUD standards. These certification programs may be sponsored by associations, testing agencies, societies or other organizations interested in product certification. A separate program is used to validate certifications for each particular building product or material for which HUD requires certifications.

As stated, this document appeared in its proposed form in the Notice section of the **Federal Register.** In order to assure the same opportunity for comment as would have been given by publishing a Notice of Proposed Rulemaking, the Department is publishing these procedures as a Rule, on an interim basis, so as to invite additional public comment while permitting these much-needed procedures to become effective within thirty days. Comments to this interim rule are invited for sixty days following publication. All comments will receive consideration before a final rule is published.

Fifteen comments were received in response to the Notice. The majority of these, eight, were from manufacturers and associations who desired a modification to include a provision for the testing of prototype products. We have recognized the need for such a provision and have made a change to allow for this inclusion.

One comment involved the need for an independent administrator program. We have accepted associations as administrators and have determined that there are adequate safeguards to insure a non-bias attitude through the use of an outside audit and therefore we are not restricting the program to independent administrators.

One comment received involved changing the notification time from three to seven days due to the delay that may occur when a manufacturer's plant is shutdown on a weekend. This change has been accepted.

Another comment objected to the use of the staffing requirement for a

registered professional engineer. We have clarified this to include any qualified professional. Specific qualifications shall be stated for each certification program.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Title 24 of the CFR is amended by adding a new § 200.935 as follows:

§ 200.935 Administrator qualifications and procedures for HUD building products certification programs.

(a) *General.* This section establishes administrator qualifications and procedures for HUD Building Products Certifications Programs under Section 521 of the National Housing Act, and the HUD Minimum Property Standards. Under these programs organizations acceptable to HUD validate manufacturers' certifications that certain building products or materials meet applicable standards.

(b) *Definitions.* (1) Certification program ("program")—The procedure under which accepted administrators validate manufacturers' certifications that particular building products or materials meet applicable HUD standards. A separate program is used to validate certifications for each particular product or material for which HUD requires certifications.

(2) Program administrator ("administrator")—An organization which conducts the program validating the manufacturer's certification that a particular building product or material meets applicable HUD standards.

(c) *Administrator qualifications and application procedures*—(1) *Qualifications.* Each program administrator shall be capable of conducting a certification program with respect to organization, staff and facilities, and have a reputation for adhering to high ethical standards. To be considered acceptable for conducting a certification program, each administrator shall:

(i) Be a technically qualified organization with past experience in the administration of certification programs. The certification program(s) shall be under the supervision of a qualified professional with six years of experience in interpreting testing standards, test methods, evaluating test reports and quality control programs. Each administrator is responsible for staffing the program with qualified professional personnel with experience in interpreting testing standards, test methods, evaluating test reports and quality control programs. The staff shall be adequate to service all aspects of the program.

(ii) Have field inspectors trained to make selections of materials for testing from manufacturer's stock or from distributors' establishments and to conduct product compliance inspections. Such inspectors must be trained and experienced in evaluating manufacturer's quality control records to ascertain with a reasonable degree of assurance that continuing production remains in compliance with the applicable standard set forth in the use of materials bulletin. When inspectors are used to evaluate laboratory operations, they shall be qualified and under the supervision of the administrator. They shall be knowledgeable in such areas as test methods, quality control, testing techniques, and instrument calibration.

(iii) Have facilities and capabilities for communications with manufacturers, laboratories, and HUD, including publication of a directory of certified products and a list of accredited laboratories, if required by the program.

(iv) Have adequate policies and practices for preserving information entrusted to its care. HUD reserves the right to review all technical records related to the program for the purpose of monitoring.

(v) Have a copy of all applicable standards, test methods and related information necessary to carry out the program.

(vi) Have a registered or pending certification mark at the United States Patent Office and be willing to license, on a uniform basis, the use of that mark by manufacturers as a validation of the manufacturer's certification that the product complies with the applicable standard.

(2) *Applications for acceptance.* Any organization desiring HUD acceptance as a qualified administrator to conduct a certification program shall make application in writing to the Director, Office of Architecture and Engineering Standards. The application shall state the particular certification program for which acceptance is requested and include information indicating compliance with each of the qualification requirements by number and subsection. Attached to the application shall be:

(i) A list of certification programs in which the organization is participating or has participated and the types of participation (sponsor, administrator, testing labotatory, etc.).

(ii) A procedural guide used in one of these programs.

(iii) A directory or listing used in one of these programs.

(iv) A reproduction or facsimile of the organization's registered mark.

(v) A proposed procedural guide for the particular certification program. HUD certification program procedures described in Section b shall be followed.

(3) *Acceptance.* HUD shall review each submission and notify the applicant whether or not they are accepted or rejected. HUD shall be notified immediately of any change(s) in the administrator's submission regarding program procedures and/or major personnel associated with the program. HUD reserves the right to suspend or debar an administrator in accordance with Part 24 of Title 24 of the Code of Federal Regulations (CFR).

(d) *HUD building products certification procedures*—(1) *Certification program development.* (i) HUD may decide to implement a certification program for a particular building product or material for a variety of reasons, such as when deemed necessary by HUD to facilitate the introduction of new and innovative products or materials; or in response to reports of fraud or misrepresentation by manufacturers in advertising that their products or materials comply with a standard. (ii) Certification program development shall be based upon the procedures and standards for the specific building product described in a Use of Materials or a Materials Release.

(2) *License agreement.* Each administrator shall have a written license agreement with each participating manufacturer binding each to the provisions of the specific program and authorizing the manufacturer to use the administrator's mark, seal, or label on its products. The administrator shall have the right to terminate any agreement prior to an expiration date if there has been a breach of the requirements of the certification program by the manufacturer.

(3) *Laboratory approval.* The administrator shall review laboratories that apply for participation in this program on the basis of the procedures described in item 12 of this section. A list of approved laboratories shall be maintained by the administrator. When nationally recognized accreditation of

laboratories such as the National Voluntary Laboratory Accreditation Program (NVLAP), is available, administrators shall use this accreditation system in their approval of laboratories. When the certification program allows the use of the administrator's testing laboratories, the laboratories shall be reviewed by a qualified party acceptable to HUD.

(4) *Initial testing and quality control review for validation*—(i) *Initial testing.* Each participating manufacturer shall submit to the appropriate administrator, the product(s) specification and statement(s) that the product complies with the applicable standard. The administrator shall select samples of the product(s), or when HUD specifies as acceptable, a prototype. The particular method of sample selection shall be determined by HUD for each specific product certification program. Other methods of initial sample selection may be used if deemed necessary. If a failure occurs on the initial tests, additional sampling and testing may be done at the manufacturer's request. The administrator's validation of the manufacturer's declaration of certification shall be withheld until a finding of compliance is achieved.

(ii) *Quality control review.* Each administrator shall examine participating manufacturer's facilities and quality control procedures to determine that they are adequate to assure continuing production of products that shall comply with the applicable standard. These quality control procedures shall be documented in the administrator's and manufacturer's files. If a manufacturer's quality control system is not satisfactory to the administrator, validation of the manufacturer's declaration of certification shall be withheld.

(5) *Notice of validation.* When initial testing, quality control review, and evaluation of other technical data are satisfactory to the administrator, a Notice of Validation or Certification shall be issued to the manufacturer. This allows the use of the administrator's registered mark on the product label.

(6) *Labeling.* Each administrator shall issue to the manufacturer labels, tags, marks or stamps containing the administrator's validation mark, and the manufacturer's certification of compliance with the applicable standard. The registered administrator's (validator's) mark shall be on the label. A sponsor's (association, testing agencies, society or others) registered mark may be used in lieu of or in addition to the administrator's mark. The manufacturer's certification of compliance to the standard may be coded. Additional information such as type, grade, class, etc. may also be coded. When coding is used, the code shall be described in the directory or listing.

(7) *Directory or listing.* When required by the program, the administrator shall publish a directory or listing for all certified products. The directory shall list the items described in paragraph (d)(6) of this section. The directory shall also carry a complete list of approved laboratories and shall be updated to reflect additions or deletions of certified products and laboratories. Directories or listings shall be published periodically as described in the specific program. Each administrator shall make a complimentary distribution of the directory or listing to the HUD Field Offices and other government agencies designated by HUD. A subscription fee may be charged to others requesting copies.

(8) *Periodic tests and quality control inspections.* Samples of the certified product or prototype shall be selected periodically from the plant, warehouse inventory or sales points. The samples shall be sent to an administrator-approved laboratory and tested in accordance with the applicable standard. The frequency of testing shall be described in the specific building product program. The administrator shall periodically visit the manufacturer's facility to assure that the initially accepted quality control procedures are being followed.

(9) *Product decertification.* If a failure should occur in any test, the laboratory shall notify the administrator and the manufacturer. The manufacturer shall notify the administrator if a retest is requested. If a retest is not requested, validation shall be withdrawn. If the manufacturer requests a retest, the administrator shall select new samples and submit them to another laboratory at the manufacturer's expense, for retest of only the test requirement(s) in which the failure(s) occurred. If the specified number of specimens pass the retest, the product can continue to be validated and listed. If the designated number of specimens described in the UM Bulletin fail, the administrator shall decertify the product. The manufacturer may request that a new selection be made of the product after correction or modifications and be subjected to the initial acceptance testing procedure or to a program of retesting established by the administrator. The administrator may decertify the product on the basis of inadequate quality control by the manufacturer. The administrator shall notify the manufacturer, HUD headquarters and the HUD Field Offices of any decertification within 7 days. When the product is decertified the manufacturer shall remove labels, tags or marks from all production and inventory in his/her control determined to be in noncompliance.

(10) *Challenge response.* Any person or organization may submit a sample of a manufacturer's certified product to the administrator in substantiation of a claim of noncompliance. Submission shall be made to the administrator that validated the manufacturer's product. The administrator shall notify the manufacturer that its product has been challenged and shall make arrangements to obtain test samples of the challenged product. An estimate of the cost of the special sample selection and testing shall be made to the complainant. The complainant shall pay the estimated cost of the investigation in advance of any testing of the challenged product, unless HUD believes the complaint to be in the public's interest. HUD may conduct its own investigation when deemed necessary based upon a complaint or a product failure. The administrator shall submit the sample of the challenged product to an approved laboratory of the administrator's choice with the request to test compliance of only the challenged requirement(s). If the samples tested proves that the product failed to meet the standard, the product shall be decertified immediately. The manufacturer whose product is decertified shall reimburse the administrator for all costs of the investigation and the administrator shall refund the complainant's advance payment. If the tests prove that the product does comply with the standard, the complainant shall be notified that the tests do not support the complaint and that the advance fee has been used for the cost of testing and investigating the claim.

(11) *Maintenance of the program.* Each administrator shall maintain the program in conformance with administrative letters issued by HUD for the purpose of clarifying procedures and interpreting the applicable standard. These letters may also be used to revise and amend the procedures used in specific programs. Significant changes in any program shall be published in the Federal Register.

(e) *Laboratory qualifications.* The following laboratory qualifications apply to all testing laboratories participating in the program including manufacturer's laboratories and the administrator's own laboratories when designated in the specific program.

(1) *Organization and personnel.* Laboratories wishing to participate in a

certification program shall apply to the administrator and shall furnish the following information:

(i) Name of laboratory, address, telephone number, name and title of official to be contacted for this program.

(ii) Name and qualifications of person assigned by the laboratory to supervise testing under a specific certification program.

(iii) Name and qualifications of engineers and other key personnel who shall conduct the testing.

(iv) Brief review of training program for personnel associated with program to assure the operational efficiency and uniformity of the testing and quality control procedures.

Each laboratory shall notify the administrator of any change in its submission regarding procedures and/or major personnel associated with the program.

(2) *Equipment and facilities.* Each laboratory shall:

(i) Describe the test instruments and testing facilities to be used in making the test(s) required by the applicable standard. Information shall include: Item of equipment, manufacturer, type or model, serial number, range, precision, frequency of calibration and dates of calibration.

(ii) Provide photographs of the listed equipment.

(iii) Provide a description of the applicable standards and calibration equipment being used and the calibration procedures followed, including National Bureau of Standards traceability, when applicable. List outside organizations providing calibration services, if used.

(iv) Demonstrate that measurements can be made with existing equipment and repeated precision within the limits established by the applicable standards. Administrator may periodically require laboratories to conduct collaborative testing on standard reference materials.

(v) Provide evidence, when regulated temperatures and humidity are required, that charts are maintained from a continuous recorder registering both wet and dry bulb temperature or relative humidity. The charts are to be properly dated, retained and available for inspection.

(vi) Provide a list of standards, test methods and other information necessary to carry out the program.

(3) *Testing methodology.* (i) Describe concisely the procedures for conducting the tests required and the specific equipment to be used.

(ii) Attach a sample test report showing representative test results and accompanied by test data forms for each test required. When approved for program participation, testing laboratories may be required by administrator to report test results on standard summary report forms.

(4) *Subcontractors.* If a testing laboratory plans to subcontract any of its testing to other laboratories, only approved laboratories acceptable to the administrator shall be used.

(5) *Laboratory quality control.* The laboratory shall develop operating quality control procedures acceptable to the administrator. The procedures of the American Council of Independent Laboratories [1] may be used as a guideline.

(6) *Approval of laboratories.* Administrators shall develop detailed laboratory approval requirements and conduct periodic inspections to assure each test laboratory's capability. Laboratory approval may be granted for 2 years. Reapproval of the laboratory shall be necessary every 2 years. When a program allows the use of an administrator's own laboratories, these laboratories shall be reviewed by a qualified third party acceptable to HUD. Documentation of acceptance for administrator laboratories shall be maintained by the administrator and HUD. Administrator laboratories shall be subject to reapproval every two years.

(7) *Withdrawal of approval.* Laboratory approval shall be withdrawn or temporarily suspended if it is determined that the laboratory is not complying with the approved requirements. Causes for suspension include, but are not limited to, the following:

(i) Incompetence.

(ii) Failure to test in accordance with the test methods described in the standard.

(iii) Issuance of test reports which fail to comply with the requirements described in the specific product certification program.

(iv) Falsification of the information reported.

(v) A statement implying validation of the product using a test report which constitutes only part of the total standard.

(vi) Deceptively utilizing references in advertising or other promotional activities.

(vii) Submission of incomplete or inadequate information and documentation called for herein.

[1] Copies are available from the American Council of Independent Laboratories, Inc., 1725 "K" Street, NW., Washington, D.C. 20006.

(Sec. 7(d) of the Department of HUD Act, (42 U.S.C. 3535(d))); (sec. 7(o) of the Department of HUD Act, (42 U.S.C. 3535(o)), sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 26, 1979.

Lawrence B. Simons.

Assistant Secretary for Housing, Federal Housing Commissioner.

[Docket No. R-79-638]

[FR Doc. 79-10070 Filed 4-2-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

24 CFR Part 1914

National Flood Insurance Program; Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, DC 20410, (202)-755-5581 or toll-free line 800-424-8872.

SUMMPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet the statutory requirement for compliance with program regulations (24 CFR Part

1909 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since publication of a flood insurance map. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date [1]
Alaska		Cordova, city of	020037-B	July 31, 1975, emergency, Apr. 2, 1979, regular, Apr. 16, 1979, suspended.	May 24, 1977	Apr. 16, 1979.
Do		Hoonah, city of	020049-B	June 14, 1976, emergency, Apr. 2, 1979, regular, Apr. 16, 1979, suspended.	June 7, 1974 Jan. 14, 1977	Do.
California	Riverside	Perris, city of	060258-B	Mar. 21, 1975, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Sept. 6, 1974 July 9, 1976	Do.
Colorado	Weld	Fort Lupton, city of	080183-B	July 23, 1974, emergency, Apr. 2, 1979, regular, Apr. 16, 1979, suspended.	May 31, 1974 June 11, 1976	Do.
Florida	Lee	Fort Myers, city of	125106-A	Oct. 30, 1970, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Oct. 30, 1970	Do.
Do	do	Sanibel, city of	120402-A	May 5, 1975, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	July 23, 1976	Do.
Indiana	Elkhart	Bristol, town of	180060-B	July 11, 1975, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Nov. 19, 1976	Do.
Massachusetts	Middlesex	Lowell, city of	250201-A	Jan. 14, 1972, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	May 31, 1974	Do.
Minnesota	Washington	Bayport, city of	275229-A	Apr. 2, 1971, emergency, May 12, 1972, regular, Apr. 16, 1979, suspended.	May 13, 1972	Do.
Do	do	Cottage Grove, city of	270502-A	May 12, 1972, emergency, Apr. 30, 1976, regular, Apr. 16, 1979, suspended.	Apr. 12, 1974	Do.
Do	Yellow Medicine	Unincorporated areas	270544-B	Jan. 12, 1973, emergency, Nov. 15, 1978, regular, Apr. 16, 1979, suspended.	Aug. 19, 1977	Do.
New Hampshire	Hillsborough	Bedford, town of	330083-B	Sept. 26, 1975, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Mar. 29, 1974 Nov. 19, 1976	Do.
Do	Merrimack	Bow, town of	330107-B	June 18, 1975, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	May 30, 1974 Sept. 24, 1976	Do.
Do	Carroll	Conway, town of	330011-B	Dec. 2, 1974, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Sept. 13, 1974 Aug. 27, 1976	Do.
Do	Hillsborough	Hollis, town of	330091-B	Feb. 28, 1975, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Mar. 1, 1974 Feb. 4, 1977	Do.
New York	Erie	Aurora, town of	360227-B	Nov. 29, 1974, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Apr. 12, 1974 Mar. 26, 1976	Do.
Do	Cayuga	Brutus, town of	360104-B	Sept. 6, 1974, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Sept. 6, 1974	Do.
Do	Westchester	Dobbs Ferry, village of	360908-C	Aug. 10, 1976, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	May 17, 1974 June 11, 1976	Do.
Do	Monroe	Ogden, town of	360424-B	May 14, 1973, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Dec. 28, 1973 Apr. 16, 1976	Do.
New Jersey	Morris	East Hanover, township of	340341-A	Aug. 18, 1972, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Aug. 31, 1973	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Hazard area identified	Date [1]
Do	Essex	West Caldwell, borough of	340196-B	Sept. 8, 1972, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	June 15, 1973 Aug. 20, 1976	Do.
Pennsylvania	Erie	Millcreek, township of	420452-B	Apr. 16, 1973, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Sept. 20, 1974 June 25, 1976	Do.
South Carolina	Aiken	Aiken, city of	450003-B	Dec. 17, 1973, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	June 28, 1974 July 18, 1975	Do.
Tennessee	Coffee and Franklin	Tullahoma, city of	470036-A	Aug. 3, 1973, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	May 24, 1979	Do.
Wisconsin	Pierce	Unincorporated areas	555571-A	Dec. 31, 1970, emergency, July 14, 1972, regular, Apr. 16, 1979, suspended.	July 18, 1972	Do.
Do	Wood	Port Edwards, village of	555572-A	July 2, 1971, emergency, April 13, 1973, regular, Apr. 16, 1979, suspended.	Apr. 13, 1973	Do.
Wyoming	Platte	Wheatland, town of	560043-B	July 2, 1975, emergency, Apr. 16, 1979, regular, Apr. 16, 1979, suspended.	Apr. 12, 1974 May 7, 1976	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-5304]

[FR Doc. 79-9744 Filed 4-2-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1915

Identification and Mapping of Special Flood Hazard Areas; Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh St., S.W., Washington, D.C. 20410, 202–755–5581 or toll-free line 800–424–8872.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 1915.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date [1]
Louisiana	Iberia Parish	City of Ponchatoula	April 17, 1979.
Missouri	Pemiscot	City of Homestown	April 17, 1979.
Missouri	St. Louis	Village of Riverview	April 17, 1979.
Oklahoma	Le Flore	Town of Bokoshe	April 17, 1979.
Texas	Harris	City of Bunker Hill Village	April 17, 1979.
Illinois	Iroquois	Village of Ashkum	April 20, 1979.
Maryland	Somerset	Town of Princess Anne	April 20, 1979.
Michigan	Wayne	City of Dearborn	April 20, 1979.
Michigan	Cass	Village of Edwardsburg	April 20, 1979.
Ohio	Cuyahoga	City of Beachwood	April 20, 1979.
Pennsylvania	Adams	Borough of Bendersville	April 20, 1979.
Pennsylvania	Cumberland	Township of Dickinson	April 20, 1979.
Pennsylvania	Blair	Borough of Martinsburg	April 20, 1979.
Pennsylvania	Westmoreland	Borough of Youngstown	April 20, 1979.
Wisconsin	LaCrosse	Village of Holmen	April 20, 1979.
Arkansas	Poinsett	City of Trumann	April 24, 1979.
Louisiana	St. James Parish	Town of Lutcher	April 24, 1979.
Oklahoma	Latimer	City of Wilburton	April 24, 1979.
Texas	Smith and Cherokee	City of Bullard	April 24, 1979.
Texas	Denton	City of Sanger	April 24, 1979.

[1] Date of conversion to regular program.

(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 the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Note.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 21, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. 5302]

[FR Doc. 79-9745 Filed 4-2-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1915

Identification and Mapping of Special Flood Hazard Areas Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is identifying and mapping the community listed below effective April 17, 1979, but converted to the Regular Program of the National Flood Insurance Program (NFIP) on June 30, 1976, without determining base flood elevations.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh St., S.W. Washington, D.C. 20410, (202) 755–5581 or Toll Free Line 800–424–8872.

SUPPLEMENTARY INFORMATION: In this community, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the community listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 1915.9 List of community with minimal flood hazard areas

State	County	Community name
Louisiana	Iberia Parish	Jeanerette, city of

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95–557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 21, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. 5303]

[FR Doc. 79-9746 Filed 4-2-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

Final Flood Elevation Determination for the City of St. Ann, St. Louis County, Mo.

Correction

In FR Doc. 79–3671 appearing at page 7678 in the issue for Wednesday, February 7, 1979, there were some misplaced lines in the table in column two of the page. For the convenience of the reader, the table is reprinted below:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coldwater Creek	Northwest corporate limits	540
	Just downstream from footbridge No. 3.	543
	750 feet downstream from Wright Road.	546
	100 feet upstream from Wright Road.	550
	Eastern corporate limits	555
Dawson Creek	Confluence with Coldwater Creek.	548
	250 feet downstream from St. Charles Rock Road.	550
	Just downstream from St. Charles Rock Road.	552
	Just upstream from St. Charles Rock Road.	557

[Docket No. FI-4588]

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

29 CFR Part 2520

Summary Annual Report Furnished Participants and Beneficiaries of Employee Benefit Plans

AGENCY: Department of Labor.

ACTION: Adoption of regulation.

SUMMARY: This document sets forth a regulation which replaces existing temporary regulations concerning the content, style and format of the summary annual report (SAR) required to be furnished to participants and beneficiaries of employee benefit plans under the Employee Retirement Income Security Act of 1974 (ERISA). The regulation prescribes a format which plan administrators will complete by inserting information in the appropriate blank spaces. The regulation affects participants and beneficiaries of

employee benefit plans, and plan administrators and other persons involved in the preparation of SARs. In addition to the regulation, this document contains guides to aid in the completion of SARs by plans subject to the regulation.

EFFECTIVE DATE: The regulation will be effective June 5, 1979. Thus, it will govern the content, style and format of some SARs prepared for plan years beginning in 1977 and most SARs prepared for plan years beginning in 1978, and all SARs thereafter.[1]

FOR FURTHER INFORMATION CONTACT: Joseph L. Roberts III, Office of Reporting and Plan Standards, Division of Reporting and Disclosure, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523–8685. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Section 104(b)(3) of ERISA provides in part that, each year, administrators must furnish materials to participants and beneficiaries receiving benefits under a plan that fairly summarize the plan's annual report. On July 29, 1976, the Department of Labor (Department) adopted regulations 29 CFR 2520.104b–10 and 2520.104b–11, specifying the content, style, and format of the SAR which must be furnished under that section.[2] Those regulations were adopted on a temporary basis, and at the same time public comment was requested as to whether they should be made permanent. Based on comments suggesting that those temporary and proposed regulations required an SAR which was unduly burdensome to prepare and which could not be readily understood by many participants and beneficiaries, the Department determined to withdraw the proposal that the regulations be made permanent. On August 21, 1978, the Department proposed to replace them with a new § 2520.104b–10,[3] prescribing a narrative which, when certain information relative to the subject plan had been properly inserted, would constitute the SAR.

In response to comments received on the August 25, 1978 proposal, the Department has decided to adopt, with certain modifications, the new § 2520.104b–10 as proposed, and to rescind temporary and proposed § 2520.104b–11. Set forth below is a discussion of the regulation, the changes from the proposed regulation, and the primary views expressed in the public comments.

The regulation prescribes an SAR form to be used by administrators of pension plans, and another SAR form to be used by administrators of welfare plans.[4] The forms are to be completed by using the appropriate information contained in the most recent annual report of the plan which is required to be filed in accordance with section 104(a)(1) of ERISA.[5] The regulation preserves the exemptions from the requirement to furnish an SAR contained in the previous regulations for certain welfare, pension, day care, and apprenticeship plans. SARs are to be distributed according to the procedures for furnishing materials to participants and beneficiaries set forth in 29 CFR 2520.104b–1.

Under the new regulation, plan administrators are requested to furnish statements of assets and liabilities and of income and expenses, and notes accompanying such statements, only when requested to do so by a participant or beneficiary. These documents, when required, must be supplied free of charge, and the forms contain a notice advising participants and beneficiaries of that fact. The forms also include a notice indicating that participants and beneficiaries may obtain a copy of the full annual report, or any part thereof, and indicating the types of disclosures to be found therein. The annual report is not required to be furnished free of charge.[6]

In addition, the regulation provides that the administrators of certain plans which have substantial numbers of participants who are not literate in English must offer assistance to such participants in understanding the SAR.

Date for furnishing SAR.

The regulation being adopted, like the one proposed, requires that the SAR be furnished to plan participants and beneficiaries within 9 months after the close of the plan year or, in the case of certain welfare plans which use group insurance arrangements, within 9 months of the close of the fiscal year of the trust or other entity which files the annual report under 29 CFR 2520.104a–6. This is 2 months after the date by which the full annual report must be filed with the Department, and it is also 2 months after the date by which the SAR would otherwise have to be furnished under section 104(b)(3) of ERISA.[7] If an extension of time in which to file an annual report has been granted by the Internal Revenue Service (the Service), the SAR is required to be furnished within 2 months after the close of the period for which the extension was granted.[8]

Some commentators suggested that the period for furnishing the SAR be shortened, while others suggested that it be lengthened. However, the Department believes that the time periods prescribed in the regulation reflect an appropriate balance between the interests of plan participants in receiving the SAR on a timely basis, and the interests of plan administrators in having enough time following preparation of the full annual report to prepare and furnish the SAR without undue burden.

Variations from prescribed content and form of SAR

The regulation being adopted, like the one proposed, provides that plan administrators may omit any part of the prescribed form which is not applicable to the plan,[9] or which would require information which is not required to be reported in the plan's annual report.[10]

A number of commentators suggested that the regulation should also permit plan administrators to include in the SAR information in addition to that prescribed in the form. In support of this position, it is argued that in some cases special circumstances might exist which require a fuller explanation of some

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[1] The regulation is being made effective 60 days after publication in the Federal Register, rather than 30 days as is usually the case, in order to avoid inconvenience to persons who may be in the process of furnishing SARs in accordance with the existing temporary regulations.

[2] 41 FR 32522, August 3, 1976.

[3] 43 FR 38032, August 25, 1978.

[4] The form for pension plans is set forth in paragraph (c)(3) of the regulation, and the form for welfare plans is set forth in paragraph (c)(4).

[5] Appearing as an appendix to this document are guides which cross-reference the blanks in the SAR forms to the corresponding line items from the full annual report forms.

[6] However, if any charges are imposed for copying the full annual report, such charges may not exceed those permitted under regulation 29 CFR 2520.104b–30.

[7] The Department's authority for delaying the date by which SARs must be furnished is set forth in section 104(a)(3) of ERISA with respect to welfare plans, and section 110 of ERISA with respect to pension plans.

[8] Plan administrators may, of course, furnish the SAR at whatever earlier time they choose.

[9] For example, if there were no transactions between the plan and a party in interest during a plan year, the plan's annual report for that year would not include a description of any such transactions. Accordingly, the plan's SAR for that year may omit the reference to "transactions between the plan and parties in interest" contained in the SAR's listing of items contained in the full annual report. In order to make clear that such items may be omitted, an explanatory note has been added to the body of the forms.

[10] Specifically, annual report form 5500K, which is filed by certain small pension plans, requires less detailed information in some respects than forms 5500 or 5500C. Persons filing form 5500K may omit from the prescribed SAR form those items which would require information not required by form 5500K. For example, the prescribed SAR form requires disclosure of administrative expenses, but there is no corresponding entry on the form 5500K. Accordingly, persons filing form 5500K may omit reference to administrative expenses in their SAR.

items in the SAR. The Department believes that the SAR should be a relatively brief and concise document in order for it to be of maximum usefulness to plan participants and beneficiaries, and it believes that, in most cases, the information prescribed in the SAR forms will be sufficient to summarize the annual report fairly without additional explanation. However, the Department recognizes that additional explanation of some of the prescribed information might be necessary in some instances. Therefore, the Department has modified the regulation to provide for the addition of explanatory material where necessary. Any such explanation must be placed following the prescribed SAR form, and must be headed, "Additional Explanation."

Another suggestion made by some commentators was that plan administrators be allowed to vary the format of the SAR, so long as all the information required by the form is disclosed. However, the Department has determined not to adopt this suggestion. The prescribed SAR format was designed to present the information in a uniform, clear and understandable way, and this purpose might be defeated if the format were subject to unlimited variation.

Technical changes in the forms

In response to certain of the public comments, the regulation as adopted reflects the following technical changes in the SAR forms.

The forms now prescribe a title for the SAR and headings for various parts thereof. The Department believes that these additions will make the SAR easier to read.

The forms no longer require entry of the exact date on which the annual report was filed with the Service. Rather, they contain a statement that the annual report "has been filed" with the Service. The Department believes that this change will make the SAR easier to prepare and may, in some cases, facilitate its early distribution.

References in the proposal to plan assets "held in trust" have been modified in recognition of the fact that this term may be technically inappropriate when considering certain types of funding arrangements.

To aid participants and beneficiaries in understanding the SAR, a brief explanation of "unrealized appreciation and depreciation" has been added to the forms.

A paragraph has been added to the welfare plan SAR form to take into account plans under which some or all of the benefits are provided on an uninsured basis.

The paragraph dealing with "experience-rated" insurance contracts has been modified to accommodate situations where a contract is only partially experience-rated.

The portion of the pension plan SAR form dealing with minimum funding standards has been revised to make it more informative.

The word "approved" in paragraph (b)(2) of the regulation has been changed to "granted".

The portions of the SAR forms setting forth the locations at which the annual report may be inspected have been modified to indicate any such locations which might exist in addition to the plan's main office and the Department of Labor.

Finally, several comments noted that section 104(b)(3) of ERISA requires plan administrators to furnish an SAR to each participant and to each beneficiary "receiving benefits under the plan". The quoted phrase, which was omitted from the proposed regulation, has been added to the final regulation.

Discussion of certain other comments

Alternative SAR Suggestions

A number of commentators suggested that the Department adopt SAR formats differing in various respects from those proposed. In some respects, these alternative proposals would require SAR information which is not contained in, or would not be readily adaptable from, the full annual report. In other respects, the Department believes that the information required under the suggested alternatives would not be as useful and complete as the information required under the regulation proposed by the Department. For these reasons, the Department has decided not to adopt the suggested alternative SAR disclosures, but instead to adopt the proposed regulation with the changes discussed above.

Some commentators objected to the fact that the proposed SAR regulation would require certain information which is also contained in the Summary Plan Description. The Department believes, however, that inclusion of such information in the SAR will not impose significant burdens, and that its inclusion will be useful to plan participants and beneficiaries because, under section 104(b)(1) of ERISA, some participants and beneficiaries might receive a Summary Plan Description only every 10 years.

Another suggestion made by some commentators was that the existing SAR requirements of temporary § 2520.104b–10(c)(2), (3) and (4) for plans filing Annual Report Form 5500–C or 5500–K be retained. Under these provisions, the SAR for such plans consists of a copy of the annual report form, a prescribed notice, and, in the case of a plan funded partly or wholly through insurance contracts, certain other information. The Department has not adopted this suggestion because it believes that use of the required disclosures being adopted herein will provide plan participants and beneficiaries with a more readily comprehensible SAR.

It was also suggested that the Department allow plan administrators to nofify participants and beneficiearies that a copy of the SAR is available upon request, instead of supplying each participant and beneficiary with a copy. However, the Department does not believe that this approach would result in adequate disclosure in all cases, and accordingly the suggestion is not being adopted.

Certain commentators suggested that, where a number of different SARs must be furnished to the same participants and beneficiaries, the plan administrator should be required to include the paragraphs regarding the rights to obtain or inspect additional information in only one of the SARs, rather than in all of them. The Department believes that any cost savings resulting from such a procedure would be minimal, and would not be sufficient to justify the confusion on the part of participants and beneficiaries which might result from such a procedure. In this regard, the Department notes that where plans have annual reports of different lengths, the information regarding costs of obtaining additional information might vary accordingly. Furthermore, certain plans are not required to prepare the statements and notes and may, therefor omit reference to availability of such items in the SAR. It might not be clear to participants and beneficiaries whether the omission of these references in a particular SAR indicates that the items are not available with respect to that plan, or whether the omission has been made merely because the references are contained in another SAR. Therefore, the Department is not adopting this suggestion.

One commentator requested clarification as to how plan participation is determined for purposes of furnishing the SAR. Paragraph (a) of the regulation requires that the SAR be furnished in accordance with the disclosure requirements of § 2520.104b–1. Section 2520.104b–1(c) includes references to applicable regulations for

determining participant and beneficiary status for purposes of sections 101(a) and 104(b)(1) of ERISA, and Subpart F of 29 CFR Part 2520. Because the SAR requirements are included in Subpart F, the regulations referred to in § 2520.104b–1(c) should be followed where there is a question of a person's status as a plan participant or beneficiary.

Another commentator asked whether § 2520.104b–1 requires a plan administrator to continue mailing disclosure documents to a separated participant at an address which the administrator knows to be incorrect, when no forwarding address is available. The Department believes that, since § 2520.104b–1 includes the concept of reasonableness, a plan administrator is not under a duty to continue sending material to an address which the administrator knows to be incorrect.

The Department was requested also to clarify whith specific statements of assets and liabilities, and income and expenses, and accompanying notes, are to be provided upon request and at no charge. The clarification is requested with respect to persons who file Form 5500 because, under § 2520.103–1(b)(2) and (3) (or, where applicable, § 2520.103(b)(2), and (3)), such persons may have filed separate financial statements and accompanying notes in addition to the statements of assets and liabilities, and income and expenses, required by items 13 and 14, respectively, of form 5500. If such additional separate statements and notes have been filed with the Form 5500, a free copy thereof must be provided in addition to a free copy of item 13 or item 14, or both, to the extent that a request for the statements is made.

One commentator suggested that, when the additional separate statements and notes discussed above have been filed, a participant or beneficiary who requests a copy thereof should also be furnished, at no charge, a copy of the related report of the independent qualified public accountant required by 29 CFR 2520.103–1(b)(5) (or, where applicable, 29 CFR 2520.103–2(b)(5)). However, section 104(b)(3) of ERISA does not refer to the accountant's report, and the Department does not believe that it is necessary for the regulation to require that that report be furnished at no charge when the statements are furnished. In this regard, the Department notes that the availability of the accountant's report is made clear in the required SAR disclosure.

With respect to the accountant's report, one commentator noted that, under section 103(a)(3)(A) of ERISA, the accountant must, as part of the annual report, offer his opinion as to both the SAR and the annual report. The commentator suggested that since, under the proposed regulation, all information in the SAR would be taken from the annual report, the requirement for an accountant's opinion regarding the SAR should be waived. Another commentator, on the other hand, argued that an accountant's opinion as to the SAR should be required as part of the SAR itself. The Department has previously taken the position that an accountant's opinion with regard to the SAR is not necessary as part of the annual report. Specifically, such an opinion is not required under the Department's existing regulations 29 CFR 2520.103–1(b)(5) and 2520.103–2(b)(5), which provide limited exemptions from, and alternative methods of compliance with, the annual reporting requirements of ERISA. Accordingly, the regulation as adopted does not require such an opinion as part of the SAR.

Finally, it was suggested that the form require inclusion of the plan number, as well as the employer's employer identification number (EIN). The Department believes that inclusion of the plan number is unnecessary; the name of the plan, which is required to be included, will be sufficient to identify the plan for purposes of the SAR.

In consideration of the matters discussed above, Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations is hereby amended by rescinding § 2520.104(b)–11, and amending § 2520.104b–10 to provide as set forth below.

(Secs. 104, 109, 110, 505 Pub. L. 93–406. 88 Stat 847, 851, 894 (29 USC 1024, 1029, 1030, 1135).)

Subpart F—Disclosure Requirements

§ 2520.104b–10 Summary Annual Report.

(a) *Obligation to furnish.* Except as otherwise provided in paragraph (f) of this section, the administrator of any employee benefit plan shall furnish annually to each participant of such plan and to each beneficiary receiving benefits under such plan a summary annual report conforming to the requirements of this section. Such furnishing of the summary annual report shall take place in accordance with the requirements of § 2520.104b–1 of this part.

(b) *When to furnish.* Except as otherwise provided in this paragraph (b), the summary annual report required by this section shall be furnished to participants and beneficiaries within nine months after the close of the plan year.

(1) In the case of a welfare plan described in § 2520.104–43 of this part, such furnishing shall take place within 9 months after the close of the fiscal year of the trust or other entity which files the annual report under § 2520.104a–6 of this part.

(2) When an extension of time in which to file an annual report has been granted by the Internal Revenue Service, such furnishing shall take place within 2 months after the close of the period for which the extension was granted.

(c) *Contents, Style and Format.* Except as otherwise provided in this paragraph (c), the summary annual report furnished to participants and beneficiaries of an employee pension benefit plan pursuant to this section shall consist of a completed copy of the form prescribed in subparagraph (3) of this paragraph (c), and the summary annual report furnished to participants and beneficiaries of an employee welfare benefit plan pursuant to this section shall consist of a completed copy of the form prescribed in subparagraph (4) of this paragraph (c). The information used to complete the form shall be based upon information contained in the most recent annual report of the plan which is required to be filed in accordance with section 104(a)(1) of the Act.

(1) Any portion of the forms set forth in this paragraph (c) which is not applicable to the plan to which the summary annual report relates, or which would require information which is not required to be reported on the annual report of that plan, may be omitted.

(2) Where the plan administrator determines that additional explanation of any information furnished pursuant to this paragraph (c) is necessary to fairly summarize the annual report, such explanation shall be set forth following the completed form required by this paragraph (c) and shall be headed, "Additional Explanation."

(3) *Form for Summary Annual Report Relating to Pension Plans.*

Summary Annual Report for (name of plan)

This is a summary of the annual report for (name of plan and EIN) for (period covered by this report). The annual report has been filed with the Internal Revenue Service, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

Basic Financial Statement

Benefits under the plan are provided by (indicate funding arrangements). Plan expenses were ($). These expenses included ($) in administrative expenses

and ($) in benefits paid to participants and beneficiaries, and ($) in other expenses. A total of ( ) persons were participants in or beneficiaries of the plan at the end of the plan year, although not all of these persons had yet earned the right to receive benefits.

[If the plan is funded other than solely by allocated insurance contracts:]

The value of plan assets, after subtracting liabilities of the plan, was ($) as of (the end of the plan year), compared to ($) as of (the beginning of the plan year). During the plan year the plan experienced an (increase) (decrease) in its net assets of ($) This (increase) (decrease) included unrealized appreciation or depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the price the plan originally paid for those assets. The plan had total income of ($), including employer contributions of ($), employee contributions of ($), (gains) (losses) of ($), from the sale of assets, and earnings from investments of ($). [For plans filing form 5500K, omit separate entries for employer contributions and employee contributions and insert instead "contributions by the employer and employees of ($)"].

[If any funds are used to purchase allocated insurance contracts:]

The plan has (a) contract(s) with (name of insurance carrier(s)) which allocate(s) funds toward (state whether individual policies, group deferred annuities or other). The total premiums paid for the plan year ending (date) were ($).

Minimum Funding Standards

[If the plan is a defined benefit plan:]

An actuary's statement shows that (enough money was contributed to the plan to keep it funded in accordance with the minimum funding standards of ERISA) (not enough money was contributed to the plan to keep it funded in accordance with the mimimum funding standards of ERISA. The amount of the deficit was $).

[If the plan is a defined contribution plan covered by funding requirements:]

(Enough money was contributed to the plan to keep it funded in accordance with the minimum funding standards of ERISA) (Not enough money was contributed to the plan to keep it funded in accordance with the minimum funding standards of ERISA. The amount of the deficit was $).

Your Rights to Additional Information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report: [*Note*—list only those items which are actually included in the latest annual report]

1. an accountant's report;
2. assets held for investment;
3. transactions between the plan and parties in interest (that is, persons who have certain relationships with the plan);
4. loans or other obligations in default;
5. leases in default;
6. transactions in excess of 3 percent of plan assets;
7. insurance information including sales commissions paid by insurance carriers; and
8. actuarial information regarding the funding of the plan.

To obtain a copy of the full annual report, or any part thereof, write or call the office of (name), who is (state title: e.g., the plan administrator), (business address and telephone number). The charge to cover copying costs will be ($) for the full annual report, or ($) per page for any part thereof.

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report. The charge to cover copying costs given above does not include a charge for the copying of these portions of the report because these portions are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan (address), (at any other location where the report is available for examination), and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, N4677, Pension and Welfare Benefit Programs, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

(4) *Form for Summary Annual Report Relating to Welfare Plans*

Summary Annual Report for (name of plan)

This is a summary of the annual report of the (name of plan, EIN and type of welfare plan) for (period covered by this report). The annual report has been filed with the Internal Revenue Service, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

[If any benefits under the plan are provided on an uninsured basis:]

(Name of sponsor) has committed itself to pay (all, certain) (state type of) claims incurred under the terms of the plan.

[If any of the funds are used to purchase insurance contracts:]

Insurance Information

The plan has (a) contract(s) with (name of insurance carrier(s)) to pay (all, certain) (state type of) claims incurred under the terms of the plan. The total premiums paid for the plan year ending (date) was ($).

[If applicable add:]

Because (it is a) (they are) so called "experience-rated" contract(s), the premium costs are affected by, among other things, the number and size of claims. Of the total insurance premiums paid for the plan year ending (date), the premiums paid under such "experience-rated" contract(s) were ($) and the total of all benefit claims paid under the(se) experience-rated contract(s) during the plan year was ($).

[If any funds of the plan are held in trust or in a separately maintained fund:]

Basic financial statement

The value of plan assets, after subtracting liabilities of the plan, was ($) as of (the end of plan year), compared to ($) as of (the beginning of the plan year). During the plan year the plan experienced an (increase) (decrease) in its net assets of ($). This (increase) (decrease) included unrealized appreciation and depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the price the plan originally paid for these assets. During the plan year, the plan had total income of ($) including employer contributions of ($), employee contributions of ($), realized (gains) (losses) of ($) from the sale of assets, and earnings from investments of ($).

Plan expenses were ($). These expenses included ($) in administrative expenses, ($) in benefits paid to participants and beneficiaries, and ($) in other expenses.

Your Rights to Additional Information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report: [Note—list only those items which are actually included in the latest annual report]

1. An accountant's report;
2. Assets held for investment;
3. Transactions between the plan and parties in interest (that is, persons who have certain relationships with the plan);
4. Loans or other obligations in default;
5. Leases in default;
6. Transactions in excess of 3 percent of plan assets; and
7. Insurance information including sales commissions paid by insurance carriers.

To obtain a copy of the full annual report, or any part thereof, write or call the office of (name), who is (state title: e.g., the plan administrator), (business address and telephone number). The charge to cover copying costs will be ($) for the full annual report, or ($) per page for any part thereof.

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report. The charge to cover copying costs given above does not include a charge for the copying of these portions of the report because these portions are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan (address), (at any other location where the report is available for examination), and at the U.S. Department of Labor in Washington, D.C. or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to Public Disclosure Room, N4677, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

(d) *Foreign languages.* In the case of either—

(1) A plan which covers fewer than 100 participants at the beginning of a plan year in which 25 percent or more of all plan participants are literate only in the same non-English language, or

(2) A plan which covers 100 or more participants in which 500 or more participants or 10 percent or more of all plan participants, whichever is less, are literate only in the same non-English language, the plan administrator for such plan shall provide these participants with an English-language summary annual report which prominently displays a notice, in the non-English language common to these participants, offering them assistance. The assistance provided need not involve written materials, but shall be given in the non-English language common to these participants. The notice offering assistance shall clearly set forth any procedures participants must follow to obtain such assistance.

(e) *Furnishing of additional documents to participants and beneficiaries.* A plan administrator shall promptly comply with any request by a participant or beneficiary for additional documents made in accordance with the procedures or rights described in paragraph (c) of this section. Communications from plan participants or beneficiaries which might reasonably be construed as requests for information which is required to be supplied without charge shall be so construed. Any charges assessed to cover the cost of furnishing copies of the full annual report, or any part thereof, shall be determined in accordance with 29 CFR 2520.104b–30. Such charges shall not include the cost of furnishing, either separately or as part of the full annual report, copies of statements of assets and liabilities and of income and expenses, and accompanying notes.

(f) *Exemptions.* Notwithstanding the provisions of this section, a summary annual report is not required to be furnished with respect to the following: (1) A totally unfunded welfare plan described in 29 CFR 2520.104–44(b)(1)(i); (2) a welfare plan which meets the requirements of 29 CFR 2520.104–20(b); (3) an apprenticeship plan which meets the requirements of 29 CFR 2520.104–22; (4) a pension plan for selected employees which meets the requirements of 29 CFR 2520.104–23; (5) a welfare plan for selected employees which meets the requirements of 29 CFR 2520.104–24; (6) a day care center referred to in 29 CFR 2520.104–25; (7) a dues financed welfare plan which meets the requirements of 29 CFR 2520.104–26; and (8) a dues financed pension plan which meets the requirements of 29 CFR 2520.104–27.

Signed at Washington, D.C., this 29th day of March 1979.

Ian D. Lanoff,
Administrator,
Pension and Welfare Benefit Programs,
Labor-Management Services Administration.

Appendix.—The Summary Annual Report (SAR) Under ERISA

[A Cross-Reference to the Annual Report]

A. Pension Plans

SAR item	Form 5500 line items	Form 5500–C line items	Form 5500–K line items
1. Funding arrangement	11	11	11.
2. Total plan expenses	14(l)	14(k)	13(d).
3. Administrative expenses	14(j) column b	14(i)	N/A.
4. Benefits paid	14(h)	14(g)	13(e).
5. Other expenses	14(i) plus 14(k)	14(h) plus 14(j)	N/A.
6. Total participants	7(f)	7(b)(ii)	7(b)(ii).
7. Value of plan assets (net):			
a. End of plan year	13(m) column b	13(l) column d	13(g).
b. Beginning of plan year	13(m) columun a	13(l) column b	13(a).
8. Change in net assets	14(o)	14(n)	13(g) minus 13(a).
9. Total income	14(g)	14(f)	13(b) plus 13(c).
a. Employer contributions	14(a)(i)	14(a)(i)	13(b).
b. Employee contributions	14(a)(ii)	14(a)(ii)	13(b).
c. Change in sales of assets	14(e)(ii) column b	14(d) column b	N/A.
d. Earnings from investments	14(d)(iv) column b	14(c) column b	N/A.
10. Total insurance premiums	14(h)(ii) or Sched. A, Part II, item 5(b).	14(g)(ii) or Sched. A, Part II, item 5(b).	Sched. A, Part II, item 5(b).
11. Funding deficiency:			
a. Defined benefit plans	Sched. B, item 8(d)	Sched. B, item 8(d)	Sched. B, item 8(d).
b. Defined contribution plans	21(b)(iii)	20(b)(iii)	19(b)(iii).

B. Welfare Plans

SAR item	Form 5500 line items	Form 5500–C line items
1. Name of insurance carrier	Sched. A, Part I, item 2(a)	Sched. A, Part I, item 2(a)
2. Total insurance premiums	Sched. A, Part III, total of item 8(c).	Sched. A, Part III, total of item 8(c)
3. Experience-rated premiums	Sched. A, Part III, item 9(a)(iv).	Sched. A, Part III, item 9(a)(iv)
4. Experience-rated claims	Sched. A, Part III, item 9(b)(iv).	Sched. A, Part III, item 9(b)(iv)
5. Value of plan assets (net):		
a. End of plan year	13(m) column b	13(l) column d
b. Beginning of plan year	13(m) column a	13(l) column b
6. Change in net assets	14(o)	14(n)
7. Total income	14(g)	14(f)
a. Employer contributions	14(a)(i)	14(a)(i)
b. Employee contributions	14(a)(ii)	14(a)(II)
c. Change in sales of assets	14(e)(ii) column b	14(d)
d. Earnings from investments	14(d)(iv) column b	14(c)
8. Total plan expenses	14(l)	14(k)
9. Administrative expenses	14(j) column b	14(i)
10. Benefits paid	14(h)	14(g)
11. Other expenses	14(i) plus 14(k)	14(h) plus 14(j)

[FR Doc. 79–10235 Filed 4–2–79; 8:45 am]

BILLING CODE 4510–29–M

Fiscal Service

31 CFR Part 226

Recognition of Insurance Covering Treasury Tax and Loan Depositaries; Delegation of Authority to Commissioner, Bureau of Government Financial Operations

AGENCY: Fiscal Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This rule amends the Treasury Department regulations regarding insurance covering treasury tax and loan depositaries. This rule delegates the authority to grant, withhold and revoke recognition of the insurance provided, as well as the authority to value the assets and liabilities of insurance organizations. The regulations are amended by adding a note referencing this delegation of authority.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Schmalzbach, (202) 566-2558.

SUPPLEMENTARY INFORMATION: The authority delegation reads as follows:

Subject: Delegation of authority to the Commissioner, Bureau of Government Financial Operations, concerning recognition of insurance covering Treasury tax and loan depositaries under 31 CFR Part 226; Dated: March 19, 1979.

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and by virtue of the authority vested in me as Fiscal Assistant Secretary by Treasury Department Order No. 190, as revised, there is hereby delegated to the Commissioner, Bureau of Government Financial Operations, the authority in 31 CFR 226.3 and 226.4 to grant, withhold and revoke recognition of the insurance provided by insurance organizations, and to value the assets and liabilities of insurance organizations. The Commissioner shall be responsible for referring to the Fiscal Assistant Secretary any matter on which action should appropriately be taken by the Fiscal Assistant Secretary.

The authority herein delegated may be redelegated by the Commissioner, Bureau of Government Financial Operations.

I hereby ratify and confirm any actions heretofore taken by the Commissioner, Bureau of Government Financial Operations, or his delegates, in exercise of the authority herein delegated.

Paul H. Taylor,
Fiscal Assistant Secretary.

§§ 226.3 and 226.4 [Amended]

The following note is added at the end of both §§ 226.3 and 226.4:

Note: "Note: For a delegation of authority to perform the functions described in §§ 226.3 and 226.4, see page [This Federal Register page number to be inserted] of the Federal Register of April 3, 1979.

[Dept. of Treasury Order No. 145-2]

[FR Doc. 79-10058 Filed 4-2-79; 8:45 am]

BILLING CODE 4810-35

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-47

Floodplain Management and Protection of Wetlands

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: GSA is changing its regulations to require that holding agencies reporting excess real property provide a listing of and citations to those uses in floodplains and wetlands that are restricted under identified Federal, State, or local regulations. These changes are necessary to comply with two current Executive orders concerning floodplain management and protection of wetlands.

EFFECTIVE DATE: This rule is effective April 3, 1979.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property, Federal Property Resources Service, General Services Administration, Washington, DC 20405 (202-566-0298).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-47.202-2 is amended by revising paragraph (b)(6) to read as follows:

§ 101-47.202-2 Report Forms.

* * * * *

(b) * * *

(6) Detailed information regarding any known flood hazards or flooding of the property and, if located in a floodplain or wetlands, a listing of and citations to those uses that are restricted under identified Federal, State, or local regulations as required by Executive Orders 11988 and 11990 of May 24, 1977.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: March 19, 1979.

Paul E. Goulding,
Acting Administrator of General Services.

[FPMR Amdt. H-113]

[FR Doc. 79-10106 Filed 4-2-79; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Chapter II

[Public Land Order 5660]

Restoration of Lands in Oklahoma to Ownership of Kiowa, Comanche, and Apache Tribes

Correction

In FR Doc. 79-8774 appearing on page 17489 in the issue for Thursday, March 22, 1979, make the following correction: In the first column, under the heading "Indian Meridian" and the designation "T. 2 N., R. 11 W.,", the first paragraph describing Sec. 20 should read as follows:

Sec. 20, lots 1, 3, 4, 5, and that part of the SW¼ lying east of the east line of the SL&SF Railroad right-of-way;"

BILLING CODE 1505-01-M

NATIONAL SCIENCE FOUNDATION

45 CFR Part 602

Regulations Exempting Certain Financial Interests Arising From Minor Contracts To Provide Support Services to Members

AGENCY: National Science Foundation.

ACTION: Amendment to Regulations.

SUMMARY: The National Science Foundation amends its regulations on standards of conduct for employees by adding a general exemption from the operation of Section 208(a) of Title 18, U.S. Code, for certain financial interests arising from minor contracts to provide support services to Members of the National Science Board in connection with their performance of Board functions.

DATE: Amendment effective on April 3, 1979.

ADDRESS: Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, Attn: Harriet E. Tucker, Esq., Conflicts-of-Interest Counselor.

FOR FURTHER INFORMATION CONTACT: Miss Tucker at the above address or 202–634–4257.

SUPPLEMENTARY INFORMATION: The National Science Foundation's proposed amendment was published in the **Federal Register** on November 29, 1978 (43 FR 55802) and no comments were received. The National Science Board approved the proposed amendment on March 16, 1979.

Section 208(a) of Title 18, United States Code, makes it a criminal offense for an officer or employee of the Executive Branch of the United States Government, including any special Government employee, to "participate personally and substantially as a Government officer or employee through decision, approval, disapproval, recommendations, the rendering of advice, investigation, or otherwise in a * * * contract * * * or other particular matter in which, to his knowledge, he [or an] organization in which he is serving as an officer or employee * * * has any financial interest." Section 208(b)(2) provides, however, that section 208(a) will not apply, "if, by general rule or regulation published in the **Federal Register**, the financial interests in question have been exempted * * * as being too remote or inconsequential to affect the integrity of * * * services" provided by the officer or employee. The foundation amends its regulations to add such a general exemption for certain financial interests arising from minor contracts to provide support services to Members of the National Science Board in connection with their performance of Board functions.

The National Science Board is the governing body of the National Science Foundation. The Board meets in the Washington, D.C. area several months each year, but only for two or three days each month. During the rest of the year its Members are dispersed throughout the country at the universities, corporations, or other institutions that are their principal places of employment.

Members of the Board are occasionally assigned tasks or responsibilities for it that require substantial efforts while it is not in session—while the Members are away from the Foundation at their home institutions. This situation arises particularly often for Board Officers and for Members who take principal responsibility for preparation of major reports. In such circumstances the Board Member may require professional, clerical, and administrative services to help with Board work at or near his or her place of business.

Since neither the National Science Board nor the Foundation has any significant permanent staff outside of Washington, these services must be obtained externally. They could be obtained through personal services contracts to individuals, but because of potential difficulties with business and administrative control, the Foundation has generally avoided such contracts wherever possible. The Foundation believes the public interest would be better served if it provided such support services to Board Members through contracts with their home institutions. Such an institution would be reimbursed for the allowable salary costs and expenses of those who actually assist the Member and for the usual, externally determined allowable overhead, but would receive no profit or fee. No compensation would be provided through the contract for time spent by the Board Member.

In some circumstances, however, this arrangement could be construed to place the Member in violation of section 208(a) of Title 18. The Foundation, believing the financial interests the Member's home institution might have in such an arrangement too remote and inconsequential to affect the integrity of the services provided by the Member to the Foundation, amends its regulations to provide a general exemption for such cases, as permitted by section 208(b)(2) of Title 18.

The National Science Foundation, therefore, amends Part 602 of Chapter VI, Title 45, Public Welfare, by adding a new § 602.3.

Dated: March 27, 1979.

Richard C. Atkinson

Director.

§ 602.3 Support services for performance of National Science Board tasks and responsibilities.

With the approval of the Director and the Chairman of the National Science Board and in accordance with other laws and regulations, the Foundation may contract with the home institution of a Member of the National Science Board to provide professional, clerical, and administrative services in support of the Member's personal efforts to carry out National Science Board tasks and responsibilities. The institution may receive reimbursement of all allowable costs, but no profit or fee. In such circumstances the Foundation finds that any financial interests the institution might have are too remote or inconsequential to affect the integrity of the services provided by the National Science Board Member and, therefore, generally exempts them from the operation of section 208(a) and from the formal requirements of section 208(b)(1) of Title 18, United States Code.

(Sec. 208(b), Title 18, United States Code, and Section 11(a), National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(a).

[FR Doc. 79-10073 Filed 4-2-79; 8:45 am]

BILLING CODE 7555-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Opening of Lake Ilo National Wildlife Refuge, N. 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 Lake Ilo 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. These Special Regulations describe the conditions under which sport fishing will be permitted on portions of Lake Ilo National Wildlife Refuge, North Dakota.

DATES: May 5, 1979, through September 30, 1979.

FOR FURTHER INFORMATION CONTACT: John Venegoni, Project Leader, Des Lacs NWR Complex, Kenmare, North Dakota 58746 (701/385–4046).

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the Lake Ilo National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final

Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Lake Ilo National Wildlife Refuge, North Dakota, only on the areas designated by signs as being open to fishing. These areas comprising 1,050 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Post Office Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Fishing shall be limited to daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

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

John Venegoni,
Project Leader, Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota 58626.
March 26, 1979.

[FR Doc. 79–10118 Filed 4–2–79; 8:45 am]
BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing

AGENCY: Lee Metcalf National Wildlife Refuge, U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport fishing Lee Metcalf National Wildlife Refuge is compatible with the objectives for which the refuge was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

EFFECTIVE DATE: April 1, 1979.

FOR FURTHER INFORMATION CONTACT: Robert C. Twist, Refuge Manager, No. 5 Third Street, P.O. Box 257, Stevensville, Montana 59870, (406) 777–5552.

§ 33.5 Special regulations: Sport fishing for individual wildlife refuge areas.

Montana

Lee Metchalf National Wildlife Refuge

Sport fishing using only a single line and hook or hooks, with or without a pole, is permitted throughout the year on a portion of the Lee Metcalf National Wildlife Refuge. The open area is approximately 4 miles of the Bitterroot River, which borders the refuge on the west, and the Burnt Fork Creek and its related oxbow (Francois Slough). Fishermen must remain below the upland portion of the river banks. Sport fishing shall be in accordance with all applicable State regulations.

The fishing area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Fish and Wildlife Service, 316 No. 26th Street, Billings, Montana.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1979.

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.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Lee Metcalf National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Lee Metcalf National Wildlife Refuge (formally Ravalli NWR) was established as a resting, feeding, and nesting area for migratory waterfowl in the Bitterroot Valley. Secondary objectives were the establishment and maintenance of Canada goose and osprey nesting populations.

R. C. Twist,
Refuge Manager, Lee Metcalf National Wildlife Refuge.

March 12, 1979.

[FR Doc. 79–10203 Filed 4–2–79; 8:45 am]
BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Final Rulemaking.

SUMMARY: At its 30th Annual Meeting held in London on June 26–30, 1978, the International Whaling Commission (the "IWC") adopted an amendment to the Schedule of the International Convention for the Regulation of Whaling, 1946 (the "Convention") which established a quota for the taking of the Bering Sea stock of bowhead whales for calendar year 1979 of 18 landed or 27 struck, whichever occurs first. Under the rules of procedure of the IWC, the Schedule to the Convention containing the 1979 quota became effective on October 19, 1978. On January 30, 1979 proposed regulations were published (44 FR 5916–5918) to implement the 1979 management program. A public meeting was held in Fairbanks, Alaska on February 28, 1979. Two written comments were received on the proposed regulations. A final supplement to the final Environmental Impact Statement has been filed with the Environmental Protection Agency. Final regulations implement the 1979 quota of 18 landed or 27 struck among villages, confer licenses, and define prohibited acts.

DATES: These final regulations will be effective on March 31, 1979.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: William P. Jensen, Marine Mammal Program Manager, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Telephone: (202) 634–7461.

SUPPLEMENTARY INFORMATION: Prior to 1977, the IWC Schedule exempted the Native subsistence harvest of bowhead whales from its otherwise total prohibition on the hunting of bowheads. In 1977, the IWC removed that exemption and established a 1978 quota of 12 landed or 18 struck, whichever occurred first. In response to the action of the IWC, the United States, in cooperation with Alaskan Eskimos and other interested groups, mounted research, management and weapons improvement programs. The results of those programs are set forth in extensive detail in a publication entitled *A Special Report to the International Whaling Commission: Bowhead Whales* (U.S. Department of Commerce, NOAA, June 1978) (the "Report").

The Report concluded that, based upon observation made in Spring, 1978, the population of the stock of bowhead whales which migrates past Alaskan Eskimo whaling villages is in the range of 1,783–2,865 whales, with 2,264 bowheads considered the best available estimate. These figures were considerably higher than the population estimate of approximately 1,300 which was used by the IWC in establishing the 1978 quota.

At the 30th Annual Meeting of the IWC, the U.S. Commissioner, on the basis of the results of the population figures appearing in the Report, requested an increase in the bowhead quota for the 1979 calendar year, and the IWC agreed.

In order to assure that final regulations are published in time to allow field personnel an opportunity to implement the regulations before the beginning of the spring bowhead hunt, the Administrator of NOAA approved reducing this comment period to 45 days. A Final Supplement to the Environmental Impact Statement has been prepared with respect to these amendments.

At a public meeting held in Fairbanks, Alaska, on February 28, 1979, comments were received on the necessity of allowing a continued subsistence hunt to satisfy Eskimo needs. Comments received were directed to the inadequacy of the IWC quota. No specific regulatory recommendations were received.

One written comment recommended withholding the regulations until pending litigation on the legitimacy of IWC jurisdiction was resolved. This recommendation was not adopted. The Whaling Convention Act requires certain actions. Regulations in effect for 1978 terminated on December 31, 1978. In order to satisfy the requirements of the Act, and to provide due notice to whalers subject to the provisions of the Act, regulations are necessary before the hunt begins.

The other written comment questioned the authority to license whalers and establish village quotas. The Whaling Convention Act requires a license to whale. In order to meet the legal requirements of the Act and minimize Federal regulation of the subsistence hunt it was proposed to confer a license by regulation and waive the fee. It is determined that the proposal should be adopted as a final regulation.

Village allocations were suggested by the Alaska Eskimo Whaling Commission in 1978. Based on that recommendation they were proposed for 1979. Although the Alaska Eskimo Whaling Commission has adopted a management program for 1979, it does not include a village allocation. It is believed that some villages desire to have village allocations in order to preserve a share of the allowable harvest to meet their subsistence needs. In the absence of substantive comment or recommendation for an alternative allocation which would allow a fair distribution of the allowable harvest to all whaling villages, the village allocations are final subject to reassignment as requested and approved.

1. 50 CFR Part 230 is amended by revising § 230.10(b) to read as follows:

§ 230.10 Licenses and scientific permits.

* * * * *

(b) No permit or license shall be issued except as provided in § 230.13 and §§ 230.70 through 230.77. Licenses issued under § 230.73 shall be governed solely by the requirements of §§ 230.70 through 230.77.

2. 50 CFR Part 230 is amended to by revising §§ 230.70–230.77 and the undesignated center heading to read as follows:

Subsistence

Sec.

230.70 General.
230.71 Definitions.
230.72 Prohibited Acts.
230.73 Licenses and Certificates of Inclusion.
230.74 Quotas.
230.75 Salvage of Stinkers.
230.76 Reporting by Whaling Captains.
230.77 Penalties.

Authority: Whaling Convention Act (WCA 16 U.S.C. 916a–1).

Subsistence

§ 230.70 General.

The provisions of§§ 230.70 through 230.77, which govern subsistence whaling for bowhead whales, shall expire on December 31, 1979.

§ 230.71 Definitions.

(a) As used in §§ 230.70 through 230.77 of this Part 230:

(1) "Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration;

(2) "Bowhead" means a whale of the Bering Sea stock of bowhead whales, *Balaena mysiticetus;*

(3) "Calf" means any bowhead which is less than 21 feet in length as measured from the point of the upper jaw and the notch between the tail flukes;

(4) "Landing" means bringing a bowhead or any parts thereof onto the ice or land in the course of whaling operations;

(5) "Whaling captain" or "captain" means any Indian, Aleut, or Eskimo domiciled in a whaling village who is in charge of a vessel and a whaling crew;

(6) "Stinker" means a dead unclaimed bowhead found upon a beach, stranded in shallow water, or floating at sea;

(7) "Strike" means hitting a bowhead with a harpoon, lance, or explosive dart;

(8) "Whaling" means the hunting, striking, harassing, killing, or landing of bowheads, but does not include the salvage or processing of any stinker;

(9) "Whaling crew" means those persons under the control of a captain, who collectively participate as a unit in whaling;

(10) "Whaling village" means any of the villages of Gambell, Savoonga, Wales, Kivalina, Point Hope, Wainright, Barrow, Nuigsut, and Kaktovik in the State of Alaska; and

(11) "Wasteful manner" means a method of whaling which is not likely to result in the landing of a struck bowhead or which does not include all reasonable efforts to retrieve the bowhead.

§ 230.72 Prohibited acts.

(a) No person shall engage in whaling except a whaling captain licensed pursuant to § 230.73 or a member of a whaling crew under the control of a captain.

(b) No whaling captain shall engage in whaling for any or any bowhead while accompanied by a calf.

(c) No whaling captain shall engage in whaling in a wasteful manner.

(d) No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.

(e) No person may receive money for participation in native subsistence whaling.

(f) No whaling captain shall continue to whale after, (1) the quota set forth in § 230.74 for his village or domicile is reached, or (2) the license under which he is whaling is suspended as provided in § 230.73(b).

(g) No whaling captain shall claim domicile in more than one whaling village.

(h) No person may salvage a stinker without complying with the provisions of § 230.75.

(i) No whaling captain shall engage in whaling with a harpoon, lance, or explosive dart which does not bear a permanent distinctive mark identifying the captain as the owner thereof.

§ 230.73 Licenses.

(a) A license is hereby issued to whaling captains.

(b) The Assistant Administrator may suspend the license of any whaling captain who fails to comply with these regulations.

§ 230.74 Quotas.

(a) During the calendar year 1979, the quota for bowheads is allocated among whaling villages as follows:

(1) Savoonga—2 whales landed or 3 struck, whichever occurs first;

(2) Gambell—2 whales landed or 3 struck, whichever occurs first;

(3) Wales—1 whale landed or 1 struck, whichever occurs first;

(4) Kivalina—1 whale landed or 2 struck, whichever occurs first;

(5) Pt. Hope—2 whales landed or 3 struck, whichever occurs first;

(6) Wainwright—2 whales landed or 3 struck, whichever occurs first;

(7) Barrow—5 whales landed or 7 struck, whichever occurs first;

(8) Kaktovik—2 whales landed or 3 struck, whichever occurs first;

(9) Nuigsut—1 whale landed or 2 struck, whichever occurs first.

(b) When the number of bowheads struck or landed by whaling captains domiciled in a whaling village equals the quota for such whaling village as set forth in paragraph (a) of this section, whaling by all captains domiciled in that whaling village shall cease. All license holders shall be notified promptly by the Assistant Administrator for Fisheries using all reasonable means of communication. Licenses held by whaling captains domiciled in a whaling village which has reached its quota shall not be valid after the quota for that whaling village has been reached.

(c) If for any reason the landing or struck quota for whaling villages is not reached, the part of the quota which remains may be reassigned by the Assistant Administrator to a second whaling village: Provided, that if any other whaling village has exceeded its quota, the Assistant Administrator shall not reassign the quota if he determines that it is likely to result in the total number of whales landed or struck exceeding the bowhead quota then in effect under the Schedule to the International Convention for the Regulation of Whaling. In making such reassignment, the Assistant Administrator shall consult with representatives of as many whaling villages as time reasonably permits.

§ 230.75 Salvage of stinkers.

(a) Any person salvaging a stinker shall submit to the Assistant Administrator or his representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage. He shall provide promptly to the Assistant Administrator or his representative each harpoon, lance, or explosive dart found in or attached to the stinker. The device shall be returned to the owner thereof promptly unless it is retained as evidence of a possible violation.

(b) There shall be a rebuttable presumption that a stinker has been struck by the captain whose mark appears on the harpoon, lance, or explosive dart found in or attached thereto, and, if no strike has been reported by such captain, such strike shall be deemed to have occurred at the time of recovery of the device.

§ 230.76 Reporting by whaling captains.

(a) A representative of the Assistant Administrator may request each whaling captain licensed pursuant to § 230.73 to provide written statement of his name and village of domicile and a description of the distinctive marking to be placed one each harpoon, lance and explosive dart. Representatives of the Assistant Administrator may provide each captain a form approved by the Assistant Administrator to facilitate reporting under this paragraph.

(b) Each whaling captain shall provide to appropriate representatives, on request, an oral or written report of whaling activities including but not limited to the striking, attempted striking, or landing of a bowhead whale and where possible, specimens from landed whales. The Assistant Administrator is authorized to provide technological assistance to facilitate prompt reporting and collection of specimens from landed whales, including but not limited to ovaries, ear plugs, and baleen plates. The report shall include at least the following information.

(1) The number, dates, and locations of each strike, attempted strike, or landing;

(2) The length (as measured from the point of the upper jaw and the notch between the tail flukes), the extreme width of the flukes, and the sex of the bowhead(s) landed;

(3) The length and sex of a fetus, if present in a landed bowhead whale;

(4) An explanation of circumstances associated with the striking or attempted striking of any bowhead whale not landed; and

(5) The number of bowhead whales sighted by the whaling captain or any member of the whaling crew.

§ 230.77 Penalties.

Any person who whales in contravention of these regulations, or violates any other provision of the Whaling Convention Act of these regulations shall be subject to the penalties set forth in 16 U.S.C. 916e and 916f, and any other penalties provided by law.

Dated: March 27, 1979.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 79-10220 Filed 4-2-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 65
Tuesday, April 3, 1979

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.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

Grain and Similarily Handled Commodities; Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans and Seed

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: Commodity Credit Corporation (CCC) proposes to revise the Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed (hereinafter referred to as the "Standards") so as to: (1) increase the minimum net worth requirement from $10,000 to $25,000; (2) establish a $250,000 maximum net worth requirement; and (3) increase the commodity value factor to be used in calculating the net worth requirements. Additional changes are incorporated to improve clarity and provide common terms to be used in all warehouse standards, wherever practicable. The proposed revision of the Standards would replace those which appear in Subpart-Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed of 7 CFR Part 1421 published in the **Federal Register** on November 10, 1975 (40 FR 52351).

DATE: Written comments must be received on or before June 4, 1979, to be sure of consideration.

ADDRESS: Send comments to Paul W. King, Acting Director, Inventory Management Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Tyrus Matsuoka, ASCS, 202–447–4068, Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This proposal described changes which would be made by the Department of Agriculture to achieve uniformity, and clarity in the Standards. The proposed revision would affect all warehousemen now under contract with CCC and those making application to handle and store CCG owned and loan Grain, Rice, Dry Edible Beans, and Seed under the applicable Standard.

You are invited to submit written comments on the proposal to the Acting Director, Inventory Management Division, Agricultural Stabilization and Conservation Service. All written submissions made pursuant to this proposal will be available for public inspection at the Office of the Acting Director, Room 5969-South Building, during regular business hours (8:15 a.m. to 4:45 p.m.).

Proposed Rule

CCC proposed that 7 CFR Part 1421 §§ 1421.5551 through 1421.5557 be revised to read as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

Sec.

1421.5551 General statement and administration.
1421.5552 Basic standards.
1421.5553 Bonding requirements for net worth.
1421.5554 Examination of warehouses.
1421.5555 Exceptions.
1421.5556 Approval of warehouses; requests for reconsideration.
1421.5557 Exemption from requirements.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714 b).

§ 1421.5551 General statement and administration.

(a) This subpart prescribes the requirements which must be met and the procedures which must be followed by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by the Commodity Credit Corporation (hereinafter referred to as "CCC") of warehouse(s) for the storage and handling of:

(1) Wheat, oats, corn, rye, barley, grain sorghums, flaxseed, and soybeans under a Uniform Grain Storage Agreement (which commodities hereinafter referred to as "grain"),

(2) Rough rice under a Uniform Rice Storage Agreement,

(3) Milled rice under a Milled Rice Storage Agreement,

(4) Dry Edible Beans under a Bean Storage Agreement, and

(5) Seed under a Seed Storage Agreement, which are owned by CCC or held by CCC as security for price support loans.

This subpart is not applicable to grain, rough and milled rice, dry edible beans, and seed purchased in store for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the CCC storage contract or agreement and other forms required for obtaining approval under this subpart may be obtained from the Kansas City Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas 66208 (hereinafter referred to as the "KCCO").

(c) A warehouse must be approved by KCCO and a storage contract or agreement must be in effect between CCC and the warehouseman before CCC will use such warehouse. The approval of a warehouse or the entering into of a storage contract or agreement does not constitute a commitment that CCC will use the warehouse, and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, when applying for approval under this subpart, shall submit to CCC at KCCO:

(1) A completed Form CCC–24, "Application for Approval of Warehouse for Grain, Rice, Dry Edible Beans, and Seed", and a completed Form CCC–24–1, "Supplement to Application for Approval of Warehouse for Grain, Rice, Dry Edible Beans, and Seed",

(2) A current financial statement on Form TW–51, "Financial Statement", supported by such supplemental schedules as CCC may request. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application, or such other date as CCC may prescribe. Additional financial statements shall be furnished annually and at such other times as CCC may require. If financial statements are prepared for the warehouseman by a public accountant, the financial statement must be properly certified.

Such certification may be separate from the financial statement. CCC reserves the right to require the warehouseman to submit a certified financial statement if CCC is unable to reconcile the information furnished by the warehouseman on the Form TW–51. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity, and

(3) Evidence that the warehouseman is licensed by the appropriate licensing authority as required under § 1421.5552(a)(2) and such other documents or information as CCC may require.

§ 1421.5552 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by such warehouseman which are to be approved, or have been approved, for the storage or handling of CCC owned or loan commodities shall meet the following standards:

(a) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing or handling for hire, or both, the applicable commodity. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business,

(2) Have a current and valid license for the kind of storage operation for which the warehouseman seels approval if such a license is required by State or local laws or regulations,

(3) Have a minimum net worth of at least $25,000 or the amount which results from multiplying the maximum storage capacity of the warehouse (the total quantity of the commodity involved which the warehouse can accommodate when stored in the customary manner) times ten (10) cents per bushel in the case of grain, forty (40) cents per hundredweight in the case of rough rice, seventy (70) cents per hundredweight in the case of milled rice, and fifty (50) cents per hundredweight in the case of dry edible beans, and in the case of seed, the net worth shall be equal at least to the product obtained by multiplying the estimated total number of pounds of seed to be stored times six (6) cents per pound, whichever is greater. The net worth requirement need not exceed $250,000. If the calculated net worth exceeds $25,000, the warehouseman may satisfy any deficiency in net worth between the $25,000 minimum requirement and such calculated net worth by furnishing bonds (or acceptable substitute security) meeting the requirements of § 1421.5553,

(4) Have available sufficient funds to meet ordinary operating expenses,

(5) Have satisfactorily corrected upon request by CCC, any deficiencies in the performance of any storage contract or agreement with CCC,

(6) Maintain accurate and complete inventory and operating records,

(7) Use only prenumbered warehouse receipts and scale tickets,

(8) Have available at the warehouse adequate and operable firefighting equipment for the type of warehouse and applicable stored commodity, and

(9) Have a work force and equipment available to complete the load out within approximately thirty (30) working days of that quantity of grain for which the warehouse is or may be approved under a Uniform Grain Storage Agreement and within approximately ninety (90) working days of that quantity of the commodity for which the warehouse is or may be approved under a Uniform Rice Storage Agreement, a Milled Rice Storage Agreement, a Bean Storage Agreement, or a Seed Storage Agreement. The loadout capacity of any of these warehouses need not exceed the equivalent of 200 railroad cars per day.

(b) The warehouseman, officials, or supervisory employees of the warehouseman in charge of the warehouse operations shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business regarding the applicable commodities to enable them to provide proper storage and handling services.

(c) Warehouseman, officials, and each of the supervisory employees of the warehouseman in charge of the warehouse operations shall:

(1) Have a satisfactory record of integrity, judgment, and performance, and

(2) Be neither suspended nor debarred under CCC's suspension and debarment regulations, 7 CFR Part 1407 for any of the causes set forth in § 1407.5 thereof.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequately equipped to receive, handle, store, preserve, and deliver the applicable commodity,

(2) Be under the control of the contracting warehouseman at all times, and

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

§ 1421.5553 Bonding requirements for net worth.

A bond furnished by a warehouseman under this subpart must meet the following requirements:

(a) Shall be executed by a surety which:

(1) Has been approved by the U.S. Treasury Department, and

(2) Maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) Shall be on Form CCC–33, "Warehouseman's Bond—Storage Agreement", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if:

(1) CCC determines that such bond provides adequate protection to CCC,

(2) It has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and

(3) It is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) day's notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses.

(c) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage contract or agreement.

(d) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

§ 1421.5554 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse must be examined by a person designated by CCC before it may be approved by CCC for the storage or handling of commodities and periodically thereafter to determine its

compliance with CCC's standards and requirements.

§ 1421.5555 Exceptions.

Notwithstanding any other provisions of this subpart:

(a) The financial, bond, and original and periodic warehouse examination provisions of this subpart do not apply to any warehouseman approved or applying for approval for the storage and handling of commodities under CCC programs if the warehouse is licensed under the U.S. Warehouse Act for such commodities but a special examination shall be made of such warehouse whenever CCC determines such action is necessary.

(b) A Certificate of Competency issued by the Small Business Administration for a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1421.5552(a), (1), (3), (4), and (9); (b); and (d); and the warehouseman will not be required to furnish bond coverage for a deficiency in net worth.

(c) A warehouseman who has a net worth of at least $25,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as may be prescribed by CCC.

§ 1421.5556 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. KCCO will send a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of the responsibility for performing the warehouseman's obligations under any contract or agreement with CCC or any other agency of the United States. An approval will remain in effect until the storage contract or agreement expires or is otherwise terminated. CCC reserves the right to withdraw approval for good cause shown.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart,

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform the warehouseman's obligations under the CCC storage contract or agreement, and

(3) KCCO will send a notice of rejection or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any officials or supervisory employees of the warehouseman is suspended or debarred as provided in § 1421.5552(c)(2), CCC will approve or reinstate the approval of the warehouse if the warehouseman establishes that the causes for CCC's disapproval have been remedied.

(c) If rejection or withdrawal of approval by CCC is due to the warehousemen's failure to meet the standards set forth:

(1) In § 1421.5552, other than the standard in paragraph (c)(2), thereof the warehouseman may at any time after receiving notice of such action request reconsideration of the action and present to the Director of the KCCO, orally or in writing, information in support of such request. The Director shall consider such information and notify the warehouseman in writing of such determination. The warehouseman may, if dissatisfied with the Director's determination, obtain a review of the determination and an informal hearing by filing an appeal with the Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"). The time for filing appeals, forms for requesting an appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed in the ASCS Appeal Regulations, 7 CFR Part 780. When appealing under such regulations, the warehouseman shall be considered a "participant", and

(2) In § 1421.5552(c)(2), the warehouseman's rights of appeal and hearing shall be as provided in CCC's regulations governing suspension and debarment, 7 CFR Part 1407. After expiration of any period of suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1421.5557 Exemption from requirements.

If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for commodities under CCC programs, the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC. Warehousemen approved under prior regulations are required to submit a new TW-51, "Financial Statement" at renewal time or as may be prescribed by CCC for approval under this revision and are subject to the provisions of this subpart for continued approval to handle and store the applicable commodities.

Note.—A Draft Impact Analysis is available from Barry Klein or Eugene A. Williams, ASCS, (202)447-7335.

Note.—This regulation has been determined not to be significant under the U.S. Department of Agriculture criteria for implementing Executive Order 12044.

Signed at Washington, D.C. on March 28, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-10193 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-05-M

[7 CFR Parts 1423, 1424, and 1434]

Processed Agricultural Commodities; Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed Rule.

SUMMARY: Commodity Credit Corporaton (CCC) proposes to revise and recodify the Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, (hereinafter referred to as the "Standards") so as to: (1) Incorporate the Standards for Approval of Warehouses for Extracted Honey, Bulk Oils, and Processed Agricultural Commodities into one Standard; (2) reinstate the maximum net worth requirement; and (3) reinstate the bonding requirement for deficiencies in net worth. The combined Standards will be titled "Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils". The revision would also: (1) Increase the minimum net worth requirement from $10,000 to $25,000; (2) establish a $250,000 maximum net worth requirement; and (3) increase the commodity value factor to be used in calculating the net worth requirement. Additional changes are made to improve clarity and provide common terms to be

used in all warehouse standards, wherever practicable. The proposed revision of the Standards would replace those which appear in 7 CFR Part 1434, Honey, published on April 12, 1976 (41 FR 15398), 7 CFR Part 1424, Bulk Oils, published on February 18, 1976 (41 FR 7384); and 7 CFR Part 1423, Processed Agricultural Commodities, published on February 11, 1976 (41 FR 6059).

DATE: Written comments must be received on or before June 4, 1979, to be sure of consideration.

ADDRESS: Send comments to Paul W. King, Acting Director, Inventory Management Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Tyrus Matsuoka, ASCS, (202)447–4068, Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This proposal describes changes which would be made by the Department of Agriculture to achieve uniformity and clarity in the Standards. The proposed revision would affect all warehousemen now under contract with CCC and those making application to handle and store CCC-owned agricultural commodities under the applicable Standards.

You are invited to submit written comments on the proposal to the Acting Director, Inventory Management Division, Agricultural Stabilization and Conservation Service. All written submissions made pursuant to this proposal will be available for public inspection at the office of the Acting Director, Room 5969-South Building, during regular business hours (8:15 a.m. to 4:45 p.m.).

Proposed Rule

CCC proposes to delete §§ 1434.50 through 1434.56 and §§ 1424.1 through 1424.7 and to recodify these provisions as §§ 1423.1 through 1423.7

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

1. Sections 1424.1 through 1424.7 are deleted and recodified as 7 CFR Part 1423.

PART 1434—HONEY

Subpart—Standards for Approval of Warehouses for Extracted Honey

2. Sections 1434.50 through 1434.56 are deleted and recodified as 7 CFR Part 1423.

As recodified, 7 CFR sections 1423.1 through 1423.7 would read as follows:

PART 1423—PROCESSED AGRICULTURAL COMMODITIES

Subpart—Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils.

Sec.

1423.1 General statement and administration.
1423.2 Basic standards.
1423.3 Bonding requirements for net worth.
1423.4 Examination of warehouses.
1423.5 Exceptions.
1423.6 Approval of warehouses; requests for reconsideration.
1423.7 Exemption from requirements.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b).

§ 1423.1 General statement and administration.

(a) This subpart prescribes the requirements which must be met and the procedures which must be followed by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by the Commodity Credit Corporation (hereinafter referred to as "CCC") of warehouse(s) for the storage and handling of:

(1) Dry or refrigerated processed agricultural commodities under a Processed Commodities Storage Agreement (hereinafter referred to as "processed commodities"),

(2) Bulk oils, under a Contract or Agreement for Tank Storage, which are owned by CCC or held by CCC as collateral for price support loans, and

(3) Extracted Honey (hereinafter referred to as "honey") under a Honey Storage Agreement, either in bulk or in containers meeting specifications in the applicable honey price support regulations, which is owned by CCC or held by CCC as security for price support loans. This subpart shall not apply to processed commodities, extracted honey, and bulk oils purchased in store by CCC for prompt shipment or to handling of commodities.

(b) Copies of the CCC storage contract or agreement and other forms required for obtaining approval under this subpart may be obtained from the Kansas City Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas 66208 (hereinafter referred to as "KCCO").

(c) A warehouse must be approved by KCCO and a storage contract or agreement must be in effect between CCC and the warehouseman before CCC will use such warehouse. The approval of a warehouse or the entering into of a storage contract or agreement does not constitute a commitment that CCC will use the warehouse, and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman when applying for approval under this subpart, shall submit to CCC at KCCO:

(1) A completed Form CCC–560, "Application for Approval of Warehouse (Processed Commodities)", or Form CCC–513, "Application for Approval of Tank Farm", or Form CCC–55, "Application for Approval of Warehouse for Honey Storage Contract", whichever is applicable,

(2) A current financial statement on Form TW–51, "Financial Statement", supported by such supplemental schedules as CCC may request. Such statement shows the warehouseman's financial condition as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application, or such other date as CCC may prescribe. Additional financial statements shall be furnished annually and at such other times as CCC may require. If financial statements are prepared for the warehouseman by a public accountant, the financial statement must be properly certified. Such certification may be separate from the financial statement. CCC reserves the right to require the warehouseman to submit a certified financial statement if CCC is unable to reconcile the information furnished by the Warehouseman on the Form TW–51. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity,

(3) Copies of the warehouseman's tariff and any changes thereto, and

(4) Evidence that the warehouseman is licensed by the appropriate licensing authority as required under § 1423.2(a)(2) and such other documents or information as CCC may require.

§ 1423.2 Basic standard.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by such warehouseman which are to be approved, or have been approved, for the storage or handling of CCC-owned or -loan commodities shall meet the following standards:

(a) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing or handling for hire, or both, the applicable commodity. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business,

(2) Have a current and valid license for the kind of storage operation for which the warehouseman seeks approval if such a license is required by State or local laws or regulations,

(3) Have a minimum net worth of at least $25,000 or the amount which results from multiplying five (5) percent of the current loan value or purchase price times the quantity of the commodity to be stored, whichever is greater. The net worth requirement need not exceed $250,000. If the calculated net worth exceeds $25,000, the warehouseman may satisfy any deficiency in net worth between the $25,000 minimum requirement and such calculated net worth by furnishing bonds (or acceptable substitute security) meeting the requirements of § 1423.3,

(4) Have available sufficient funds to meet ordinary operating expenses,

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage contract or agreement with CCC,

(6) Use only warehouse receipts or such other documents as CCC may prescribe,

(7) Maintain accurate and complete inventory and operating records,

(8) Have available at the warehouse adequate and operable firefighting equipment for the type of warehouse and applicable stored commodity, and

(9) Have a work force and equipment available to complete loadout as stated below or as CCC may prescribe:

(i) forty-five (45) working days of the total quantity of all honey and processed commodities stored for CCC.

(ii) Seventy-five (75) working days of that quantity of bulk oils for which the warehouse is or may be approved under a contract with CCC.

(b) The warehouseman, officials, or supervisory employees of the warehouseman in charge of the warehouse operations shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business regarding the applicable commodity to enable them to provide proper storage and handling services.

(c) Warehouseman, officials, and each of the supervisory employees of the warehouseman in charge of the warehouse operations shall:

(1) Have a satisfactory record of integrity, judgement, and performance, and

(2) Be neither suspended nor debarred under CCC's suspension and debarment regulations, 7 CFR Part 1407, for any of the causes set forth in § 1407.5 thereof.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequately equipped to receive, handle, store, preserve, and deliver the applicable commodity,

(2) Be under the control of the contracting warehouseman at all times, and

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

§ 1423.3 Bonding requirements for net worth.

A bond furnished by a warehouseman under this subpart must meet the following requirements:

(a) Shall be executed by a surety which:

(1) Has been approved by the U.S. Treasury Department, and

(2) Maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) Shall be on Form CCC-61, "Warehouseman's Bond—Processed Commodities", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if:

(1) CCC determines that such bond provides adequate protection to CCC,

(2) It has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and

(3) It is noncancellable for not less than one hundred twenty (120) days or includes a rider providing for not less than one hundred twenty (120) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses.

(c) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage contract or agreement.

(d) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

§ 1423.4 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse must be examined by a person designated by CCC before it may be approved by CCC for the storage or handling of commodities and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1423.5 Exceptions.

Notwithstanding any other provisions of this subpart:

(a) The financial, bond, and original and periodic warehouse examination provisions of this subpart do not apply to any warehouseman approved or applying for approval for the storage and handling of commodities under CCC programs if the warehouse is licensed under the U.S. Warehouse Act for such commodities, but a special examination shall be made of such warehouse whenever CCC determines such action is necessary.

(b) A Certificate of Competency issued by the Small Business Administration for a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1423.2 (a) (1), (3), (4), and (9); (b); and (d), and the warehouseman will not be required to furnished bond coverage for a deficiency in net worth.

(c) A warehouseman who has a net worth of at least $25,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as may be prescribed by CCC.

§ 1423.6 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. KCCO will send a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of the responsibility for performing the warehouseman's obligations under any contract or agreement with CCC or any other

agency of the United States. An approval will remain in effect until the storage contract or agreement expires or is otherwise terminated. CCC reserves the right to withdraw approval for good cause shown.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart,

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform the warehouseman's obligations under the CCC storage contract or agreement, and

(3) KCCO will send a notice of rejection or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any officials or supervisory employees of the warehouseman are suspended or debarred as provided in § 1423.2 (c) (2), CCC will approve or reinstate the approval of the warehouse if the warehouseman establishes that the causes for CCC's disapproval have been remedied.

(c) If rejection or withdrawal of approval by CCC is due to failure to meet the standards set forth:

(1) In § 1423.2, other than the standard in paragraph (c) (2) thereof, the warehouseman may at any time after receiving notice of such action request reconsideration of the action and present to the Director of KCCO, orally or in writing, information in support of such request. The Director shall consider such information and shall notify the warehouseman in writing of such determination. The warehouseman may, if dissatisfied with the Director's determination, obtain a review of the determination and an informal hearing by filing an appeal with the Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"). The time for filing appeals, forms for requesting an appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed in the ASCS Appeal Regulations, 7 CFR Part 780. When appealing under such regulations, the warehouseman shall be considered a "participant", and

(2) In § 1423.2 (c) (2), the warehouseman's rights of appeal and hearing shall be as provided in CCC's regulations governing suspension and debarment 7 CFR Part 1407. After expiration of any period of suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1423.7 Exemption from requirements.

(a) If warehousing services in any area cannot be secured under the provisions of this subpart, and no reasonable and economical alternative is available for securing such services, the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

(b) Warehousemen approved under prior regulations are required to submit a new TW-51, "Financial Statement" at renewal time or as may be prescribed by CCC for approval under this revision and are subject to the provisions of this subpart for continued approved to handle and store the applicable commodities.

Note.—A Draft Impact Analysis is available from Barry Klein or Eugene A. Williams, ASCS. (202) 447–7335.

Note.—This regulation has been detrmined not significant under the U.S. Department of Agriculture criteria implementing Executive Order 12044.

Signed at Washington, D.C. on March 28, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-10195 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-05-M

[7 CFR Part 1427]

Cotton; Standards for Approval of Warehouses for Cotton or Cotton Linters

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: Commodity Credit Corporation (CCC) proposes to revise the Standards for Approval of Warehouses for Cotton or Cotton Linters (hereinafter referred to as the "Standards") so as to (1) increase the minimum net worth requirement from $10,000 to $25,000; (2) increase maximum net worth requirement to $250,000; and (3) increase the commodity value factor to be used in calculating the net worth requirement. Additional changes are incorporated to improve clarity and provide common terms to be used in all warehouse standards, wherever practicable. The proposed revision of the Standards would replace those which appear in Subpart-Standards for Approval of Warehouses for Cotton or Cotton Linters published in the **Federal Register** on July 1, 1976 (41 FR 27078).

DATE: Written comments must be received on or before June 4, 1979, to be sure of consideration.

ADDRESS: Send comments to Paul W. King, Acting Director, Inventory Management Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Tyrus Matsuoka, ASCS, (202)447–4068, Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This proposal describes changes which would be made by the Department of Agriculture to achieve uniformity and clarity in the Standards. The proposed revision would affect all warehousemen now under contract with CCC and those making application to handle and store CCC-owned and -loan cotton or cotton linters under the applicable Standard.

You are invited to submit written comments on the proposal to the Acting Director, Inventory Management Division, Agricultural Stabilization and Conservation Service. All written submissions made pursuant to this proposal will be available for public inspection at the office of the Acting Director, Room 5969, South Building during regular business hours (8:15 a.m. to 4:45 p.m.).

Proposed Rule

CCC proposes that 7 CFR Part 1427, sections 1427.1081 through 1427.1087 be revised to read as follows:

PART 1427—COTTON

Subpart—Standards for Approval of Warehouses for Cotton or Cotton Linters

Sec.

1427.1081 General statement and administration.
1427.1082 Basic Standards.
1427.1083 Bonding requirements for net worth.
1427.1084 Examination of warehouses.
1427.1085 Exceptions.
1427.1086 Approval of warehouses; requests for reconsideration.
1427.1087 Exemption from requirements.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714 b).

§ 1427.1081 General statement and administration.

(a) This subpart prescribes the requirements which must be met and the procedures which must be followed by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by the Commodity

Credit Corporation (hereinafter referred to as "CCC") of warehouse(s) for the storage and handling of cotton and cotton linters, under a Cotton Storage Agreement, which are owned by CCC or held by CCC as security for price support loans. This subpart is not applicable to cotton or cotton linters purchased in storage for prompt shipment or to handling operations of a temporary nature.

(b) Copies of the CCC storage agreement and other forms required for obtaining approval under this subpart may be obtained from the Kansas City Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas 66208 (hereinafter referred to as the "KCCO").

(c) A warehouse must be approved by the KCCO and a storage agreement must be in effect between CCC and the warehouseman before CCC will use such warehouse. The approval of a warehouse or the entering into of a storage agreement does not constitute a commitment that CCC will use the warehouse, and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, when applying for approval under this subpart shall submit to CCC at KCCO:

(1) A completed Form CCC–49, "Application for Approval of Warehouse for Storage of Cotton and/or Cotton Linters,"

(2) A current financial statement on Form TW–51, "Financial Statement", supported by such supplemental schedules as CCC may request. Such statement shall show the warehouseman's financial condition as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application, or such other date as CCC may prescribe. Additional financial statements shall be furnished annually and at such other times as CCC may require. If financial statements are prepared for the warehouseman by a public accountant, the financial statement must be properly certified. Such certification may be separate from the financial statement. CCC reserves the right to require the warehouseman to submit a certified financial statement if CCC is unable to reconcile the information furnished by the warehouseman on the Form TW–51. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Evidence that the warehouseman is licensed by the appropriate licensing authority as required under § 1427.1082(a) (2) and such other documents or information as CCC may require,

(4) A sample copy of the warehouseman's warehouse receipts and bale tags, and

(5) Evidence of applicable fire insurance rates.

§ 1427.1082 Basic standards.

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by such warehouseman which are to be approved, or have been approved, for the storage and handling of CCC-owned or -loan commodities shall meet the following standards:

(a) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing or handling for hire, or both, the applicable commodity. The warehouseman, of a corporation, shall be authorized by its charter to engage in such business,

(2) Have a current and valid license for the kind of storage operation for which the warehouseman seeks approval if such a license is required by State or local laws or regulations,

(3) Have a minimum net worth of at least $25,000 or the amount which results from multiplying the maximum storage capacity of the warehouse (the total number of bales of cotton or cotton linters which the warehouse can accommodate when stored in the customary manner) times ten (10) dollars per bale, whichever is greater. The net worth requirement need not exceed $250,000. If the calculated net worth exceeds $25,000, the warehouseman may satisfy any deficiency in net worth between the $25,000 minimum requirement and such calculated net worth by furnishing bond (or acceptable substitute security) meeting the requirements of § 1427.1083

(4) Have available sufficient funds to meet ordinary operating expenses,

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage agreement with CCC,

(6) Maintain accurate and complete inventory and operating records,

(7) Use only warehouse receipts or such other documents as CCC may prescribe,

(8) Have available at the warehouse adequate and operable firefighting equipment for the type of warehouse and applicable stored commodity, and

(9) Have a work force and equipment available to provide adequate storage and handling service.

(b) The warehouseman, officials, or supervisory employees of the warehouseman in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business regarding the applicable commodities to enable them to provide proper storage and handling services.

(c) Warehouseman, officials and each of the supervisory employees of the warehouseman in charge of the warehouse operation shall:

(1) Have a satisfactory record of integrity, judgment, and performance, and

(2) Be neither suspended nor debarred under CCC's suspension and debarment regulations, 7 CFR Part 1407 for any of the causes set forth in § 1407.5 thereof.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequately equipped to receive, handle, store, preserve, and deliver the applicable commodity,

(2) Be under the control of the contracting warehouseman at all times, and

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

§ 1427.1083 Bonding requirements for net worth.

A bond furnished by a warehouseman under this subpart must meet the following requirements:

(a) Shall be executed by a surety which:

(1) Has been approved by the U.S. Treasury Department, and

(2) Maintains an officer or representative authorized to accept service of legal process and in the State where the warehouse is located.

(b) Shall be on Form CCC–54, "Warehouseman's Bond", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if:

(1) CCC determines that such bond provides adequate protection to CCC.

(2) It has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and

(3) It is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) days' notice to CCC before cancellation. Excess coverage on a substitute bond

for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses.

(c) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash or negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage agreement.

(d) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC, CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

§ 1427.1084 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse must be examined by a person designated by CCC before it may be approved by CCC for the storage and handling of the commodity and periodically thereafter to determine its compliance with CCC's standards and requirements.

§ 1427.1085 Exceptions.

Notwithstanding any other provisions of this report:

(a) The financial, bond, warehouse receipt and bale tag, and original and periodic warehouse examination provisions of this subpart do not apply to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if the warehouse is licensed under the U.S. Warehouse Act for such commodity but a special examination shall be made of such warehouse whenever CCC determines such action is necessary.

(b) A Certificate of Competency issued by the Small Business Administration for a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1427.1082(a) (1), (3), (4), and (9); (b); and (d), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth.

(c) A warehouseman who has a net worth of at least $25,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the commodity,

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as may be prescribed by CCC.

(d) The bond requirements, and, at the discretion of the KCCO, the financial, warehouse receipt, and bale tag requirements, of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of cotton or cotton linters under CCC programs if the warehouse is operated by the State of South Carolina Department of Agriculture.

§ 1427.1086 Approval of warehouse; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set out in this subpart. KCCO will send a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of the responsibility for performing the warehouseman's obligations under any agreement with CCC or any other agency of the United States. An approval will remain in effect until the storage agreement expires or is otherwise terminated, CCC reserves the right to withdraw approval for good cause shown.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set out in this subpart,

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform the warehouseman's obligations under the CCC storage agreement, and

(3) KCCO will send a notice of rejection or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any offcials or supervisory employees of the warehouseman are suspended or debarred as provided in § 1427.1082(c)(2), CCC will approve, or reinstate the approval of, the warehouse if the warehouseman establishes that the causes for CCC's disapproval have been remedied.

(c) If rejection or withdrawal of approval by CCC is due to the warehouseman's failure to meet the standards set forth:

(1) In § 1427.1082, other than the standard in paragraph (c) (2) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director of the KCCO, orally or in writing, information in support of such request. The Director shall consider such information and notify the warehouseman in writing of such determination. The warehouseman may, if dissatisfied with the Director's determination, obtain a review of the determination and an informal hearing by filing an appeal with the Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"). The time of filing appeals, forms for requesting an appeal, nature of the informal hearing, determination, and reopening of the hearing shall be prescribed in the ASCS Appeal Regulations, 7 CFT Part 780. When appealing under such regulations, the warehouseman shall be considered a "participant", and

(2) In § 1427.1082(c)(2), the warehouseman's rights of appeal and hearing shall be as provided in CCC's regulations governing suspension and debarment, 7 CFR Part 1407. After expiration of an period of suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

§ 1427.1087 Exemption from requirements.

(a) If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for commodities under CCC programs, the President or Executive Vice President, CCC may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

(b) Warehouseman approved under prior regulations are required to submit a new TW–51 "Financial Statement'" at renewal time or as may be prescribed by CCC for approval under this revision and are subject to the provisions of this subpart for continued approval to handle and store the applicable commodities.

Note.—A Draft Impact Analysis is available from Barry Klein or Eugene A Williams ASCS, (202) 447–7335.

Note.—This regulation has been determined not to be significant under the U.S.

Department of Agriculture criteria for implementing Executive Order 12044.

Signed at Washington, D.C. on March 28, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-10194 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Parts 1822 and 1933]

RURAL HOUSING LOANS AND GRANTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations to require labor housing, rural rental housing, rural cooperative housing, rural housing site, and mutual self-help technical assistance loan or grant applicants, and their controlling principals, to disclose previous participation in any FmHA, Federal Housing Administration (FHA), or Department of Housing and Urban Development (HUD) housing programs. This action is needed since at present, FmHA has no requirement for determining the extent of involvement of an applicant or its principals in the various Federal housing programs. Since the extent of involvement is and the status of the loans or grants involved are indicators of an applicant's experience and ability, the intended effect of this action is to provide information which will better enable FmHA to evaluate the experience and qualification of loan and/or grant applicants.

DATES: Comments must be received on or before June 4, 1979.

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: Lynn E. Voigt, 202-447-7207.

SUPPLEMENTARY INFORMATION: FmHA proposes to amend various sections of Parts 1822 and 1933, Chapter XVIII, Title 7, Code of Federal Regulations to require certain rural housing loan and grant applicants and their controlling principals to disclose previous participation in any FmHA, FHA, or HUD programs. Editorial changes are included as well as the form (Form FmHA 449-4) to be used to report previous participation.

As proposed, various sections of Parts 1822 and 1933 are amended as follows:

PART 1822—RURAL HOUSING LOANS AND GRANTS.

Subpart C—Farm Labor Housing Loan Policies, Procedures, and Authorizations

1. § 1822.71(a) is amended to read as follows:

§ 1822.71 Processing applications—preliminary dockets.

(a) *Application from an individual farmowner.* An application from an individual farmowner will be taken on Form FmHA 410-1, "Application for FmHA Services."

(1) The plan of operation for the farm will be shown on Form FmHA 431-2, "Farm and Home Plan," in the manner provided in Subpart A of this Part.

(2) Complete information on the need for labor in the farming operations of the applicant should be documented in the running record.

(3) A Form FmHA 449-4, "Statement of Personal History," will be completed by the applicant to reflect any previous participation in FmHA, Federal Housing Administration, or Department of Housing and Urban Development (HUD) housing programs.

* * * * *

2. § 1822.71(b) is amended by inserting a new § 1822.71(b)(2) and renumbering the present § 1822.71(b)(2) through (10) to § 1822.71(b)(3) through (11). As proposed, the new § 1822.71(b)(2) reads as follows:

§ 1822.71 Processing applications preliminary dockets.

* * * * *

(b) *Application from an organization.*

* * *

(2) A Form FmHA 449-4 which discloses previous participation in any FmHA, Federal Housing Administration, or HUD housing programs is required of each member of an association of farmers, and each officer and director of other organization applicants. Items 1, 4, and 13 of Form FmHA 449-4 must be completed by each applicant that is a nonprofit corporation, a State agency, or a political subdivision or agency of State or local government; however, a Form FmHA 449-4 is not required of any elected or appointed official in conjunction with an application from any public organization.

* * * * *

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

3. Paragraph 1 of Exhibit F-6 is amended by inserting a new paragraph 1 b. The present paragraphs 1 b through d are relettered to paragraphs 1 c through e. As proposed, the new paragraph 1 b reads as follows: Exhibit F-6—Information to be Submitted with Preapplication for Rural Rental Housing loan (RRH).

* * * * *

1. *Eligibility.*

* * * * *

b. Statement of Personal History—A Form FmHA 449-4, "Statement of Personal History," which discloses previous participation in any Farmers Home Administration (FmHA), Federal Housing Administration (FHA), or Department of Housing and Urban Development (HUD) housing programs is required of each individual applicant, and each general partner, officer, director, trustee, or cooperative member of organization applicants. Each stockholder, association member, or beneficiary holding an interest (legal or equitable) of 10 percent or more in any applicant organization must also submit a Form FmHA 449-4. When a general partner, or a stockholder, association member, or beneficiary holding an interest (legal or equitable) of 10 percent or more, is itself an organization, a Form FmHA 449-4 is also required of each general partner, officer, or director of that organization as well as each stockholder, association member, or beneficiary holding an interest (legal or equitable) of 10 percent or more in that organization. Items 1, 4, and 13 of Form FmHA 449-4 must be completed by each nonprofit corporation or public body applicant; however, a Form FmHA 449-4 is not required of any elected or appointed official in conjunction with an application from a public body.

* * * * *

4. Paragraph 2 of Exhibit F-6 is amended by adding a new subparagraph b and paragraphs 3 and 4 of Exhibit F-6 are amended as follows:

Exhibit F-6—Information to be Submitted with Preapplication for Rural Rental Housing (RRH) Loan.

* * * * *

2. *Need and Demand:*

* * * * *

b. A schedule of proposed rental rates.

3. *Site:*

a. Size of tract, and a plat map identifying its boundaries.

* * * * *

c. Copy of applicant's deed or option to purchase.

4. *General Description of the Housing Planned:* * * *

a. Schematic design drawings showing the proposed plot plan, unit plans, and evaluation. If available, the proposed preliminary drawings and specifications may be submitted.

* * * * *

c. Summary of the estimated total development cost of the project, separately identifying the cost (or value in the case of land owned by the applicant) associated with the following items: General construction, electrical, plumbing, heating/cooling, excavating and trenching, site development (including landscaping), land, pro-rated share of any off-site development, interest during construction, architectural/engineering fees, legal and/or closing costs, and other itemized costs.

d. The total number of living units and the number of each type of living unit proposed.

* * * * *

Subpart E—Farm Labor Housing Grant Policies, Procedures, and Authorizations

5. § 1822.213 is amended to read as follows:

§ 1822.213 Optioning of Land.

If the project involves the purchase of real estate, applicable provisions of Subpart D of this Part regarding options will be followed. After the grant is approved, the County Supervisor will have Form FmHA 440–35, "Acceptance of Option," or other appropriate form of acceptance completed, signed, and mailed to the seller.

6. § 1822.214 is amended by inserting a new § 1822.214(b). The present § 1822.214(b) through (l) are relettered to § 1822.214(c) through (m). As proposed, the new § 1822.214(b) reads as follows:

§ 1822.214 Processing applications.

* * * * *

(b) A Form FmHA 449–4, "Statement of Personal History," which discloses previous participation in any FmHA, Federal Housing Administration, or Department of Housing and Urban Development (HUD) housing programs is required of each officer and director of LH grant applicants. Items 1, 4, and 13 of Form FmHA 449–4 must be completed by each applicant that is a nonprofit corporation, a State agency, or a political subdivision or agency of State or local government; however, a Form FmHA 449–4 is not required of any elected or appointed official in conjunction with an application from any public organization.

* * * * *

7. § 1822.215(b)(2) amended to read as follows:

§ 1822.215 Preliminary docket.

* * * * *

(b) *State Office Action.* * * *

(2) The State Director will make a thorough study of the preliminary plans and specifications for the proposed housing to determine compliance with Subpart A of Part 1804 of this Chapter and compliance with applicable State Codes for the construction of buildings for labor housing. The State Director's comments pointing out any deficiencies in the plans and specifications, and suggestions for improvements, will be attached to the plans for the applicant's consideration when obtaining detailed working plans, specifications, and cost estimates.

* * * * *

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

8. § 1822.270(a) is amended as follows:

§ 1822.270 Technical, legal, and other services.

(a) *Appraisals.* The property will be appraised by an FmHA employee authorized to make real estate appraisals. The appraisal will consist of a narrative statement prepared and signed by the aurhtorized employee describing in detail the items considered in arriving at the value of the property. In determining the value of the property, the appraiser will consider the value and selling prices of similar building sites in the area. The selling prices of similar sites must be fully documented. Two values will be established by the appraiser:

* * * * *

(2) The aggregate fair market value of the building sites after development based on the appraisal of each development lot.

(i) [Deleted]

* * * * *

9. § 1822.271(a) is amended by inserting a new § 1822.271(a)(4). The present § 1822.271(a)(4) through (11) are renumbered to § 1822.271(a)(5) through (12). As proposed, the new § 1822.271(a)(4) reads as follows:

§ 1822.271 Processing applications.

(a) *Application.* * * *

(4) A Form FmHA 449–4, "Statement of Personal History," which discloses previous participation in any FmHA, Federal Housing Administration, or Department of Housing and Urban Development (HUD) housing programs is required of each officer and director of the applicant organization. Applicants must complete items 1, 4, and 13 of Form FmHA 449–4; however, a Form FmHA 449–4 is not required of any elected or appointed official in conjunction with an application from any public nonprofit organization.

* * * * *

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Subpart I—Self-Help Technical Assistance Grants

10. § 1933.410(a) is amended by inserting a new § 1933.410(a)(4). The present § 1933.410(a)(4) and (5) are renumbered to § 1933.410(a)(5) and (6). As proposed, the new § 1933.410(a)(4) reads as follows:

§ 1933.410 Processing preapplications and applications, and completing grant dockets.

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

(4) A Form FmHA 449–4. "Statement of Personal History," which discloses previous participation in any FmHA, Federal Housing Administration, or Department of Housing and Urban Development (HUD) housing programs completed by each officer and director of the applicant organization. Applicants must also complete items 1, 4, and 13 of Form FmHA 449–4; however, a Form FmHA 449–4 is not required of any elected or appointed official in conjunction with an application from any State or political subdivision, or public nonprofit corporation.

* * * * *

11. Form FmHA 449–4, "Statement of Personal History" will be used to report previous participation in FmHA, FHA, and HUD housing programs. This form is published for comment only and will not be codified.

As proposed, Form FmHA 449–4 and instructions for its preparation read as follows:

BILLING CODE 3410–07–M

FORMS MANUAL INSERT

FORM FmHA 449-4

USDA FmHA
Form FmHA 449-4
(Rev. 12-15-78)

Position 3

FORM APPROVED
OMB NO. 40-R3869

STATEMENT OF PERSONAL HISTORY

NOTICE:
All individuals required to complete this form in connection with the filing of an application for a B&I, RHS, RRH, RCH, LH, or TA loan or grant, will be given a Form FmHA 410-9, "Statement Required by the Privacy Act".

1. Name and address of loan applicant/applicant entity name) *(Street, City, State and Zip code)*

Employer ID Number

2. Personal Statement of *(State name in full, if no middle name (NMN), or if initial only, indicate initial)*
First Middle Maiden Last

Name of Spouse:

3. Marital Status
☐ Married ☐ Separated ☐ Unmarried *(including single, divorced & widowed)*

4. Type of business *(Check one)*
☐ Sole owner ☐ Private corporation(for profit)
☐ Partnership ☐ Private corporation (non-profit)
☐ Limited partnership ☐ Public corporation (non-profit)
☐ Other *(Explain)* _____

5. a. Place of birth *(City and State or foreign country)*

b. Date of birth *(Month, day, year)*

6. Citizen of the United States? ☐ Yes ☐ No

7. Social Security No.

8. a. Relationship to Applicant

b. Give the percentage of ownership or stock owned or to be owned in the business.

9. Are you presently under indictment, on parole or probation? ☐ Yes ☐ No
If yes, furnish details on a separate sheet

10. Have you ever been convicted of any criminal offense other than a minor motor vehicle violation? ☐ Yes ☐ No
If yes, furnish details on a separate sheet.

11. Starting with present address, list residence addresses during the last ten years.

Date	Street and number	City	State

12. Starting with present employer list all employers during last ten years:

From	To	Employer	Address

No monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations (7 CFR 1980, Subpart J).

The information on this form will be used in connection with an investigation of your character. Any information you wish to submit, which you feel will expedite this investigation, should be set forth below and on the back of this form, if needed.

Estimated time to complete this form: 30 minutes
Number of copies needed: 4

Form FmHA 449-4 (Rev. 12-15-78)

Instructions For Preparation

A. For B&I Applicantions:

Each application for a B&I loan guarantee must include a Form FmHA 449-4 completed in its entirety for a proprietor(owner), each partner, officer, director, key employee, and stockholders holding 20 percent or more interest in the applicant except for those corporations listed on a major stock exchange and for those so listed if required by FmHA. Forms FmHA 449-4 are not required to be submitted for elected officials and appointed officials in conjunction with B&I loan applications from public bodies. Item 13 of Form FmHA 449-4 does not need to be completed in conjunction with B&I applications.

B. For RRH, RCH, LH, RHS, and TA Applicantions:

1. Individual, Public Body, and Nonprofit Organization Applicants Each application for a loan or grant on a project to be owned by a natural person, (i.e. not an organization), by a public body, or by a nonprofit organization must include a Form FmHA 449-4 for that applicant. Applications from private non-profit organization must also include a Form FmHA 449-4 for each director and officer of the organization. The entire form must be completed by individual applicants and by directors and officers of private nonprofit organizations. Public body and nonprofit organization applicants need to complete only items 1, 4, and 13 of Form FmHA 449-4. Forms FmHA 449-4 are not required to be submitted for elected officials and appointed officials in conjunction with applications from public bodies or public nonprofit organizations.

(see reverse)

PROCEDURE REFERENCE : FmHA Instructions 444.4, 444.5, 444.6, 444.8, 1933-I, 1980-E, and 1980-F.

PREPARED BY : The applicant and/or its principals.

NUMBER OF COPIES : Original and three required of each person or organization required to execute the form.

SIGNATURES REQUIRED : Original must be executed by the person represented in the statement, or an officer of the organization represented in the statement. All copies should be signed or conformed.

DISTRIBUTION OF COPIES : Original to applicant case file; copy to State Office; copy to National Office to the attention of the appropriate program division; copy retained by person or organization completing the form.

Instructions For Preparation (Con't)

2. Organization Applicants other than Public Bodies and Nonprofit Organizations: Each application for a loan on a project to be owned by an organization other than a public body or a nonprofit organization must include a Form FmHA 449-4 completed in its entirety for each general partner, officer, director, and each stockholder association member, or beneficiary holding 10 percent or more interest (legal or equitable) in the applicant. In cases where a general partner, or a stockholder, association member or beneficiary holding an interest (legal or equitable) of 10 percent or more is itself an organization, a Form FmHA 449-4 completed in its entirety is also required of each general partner, or officer, director, of that organization as well as each stockholder, association member or beneficiary holding an interest (legal or equitable) of 10 percent or more in that organization.

13. Previous Participation. This item is only required to be completed for RRH, RCH, RHS, LH, or TA loan or grant applicants. The undersigned represent that I (we) am (are) the sole principal(s) in the abovenamed project (or that all other principals have filed a similar certificate), that I (we) have not been principal(s) or had an interest in any FmHA, FHA, or HUD programs except as shown below, and that no project in which I (we) have had any interest is, or ever has been in default or received mortgage relief except as shown below. I (we) agree that any change of the Principals listed herein, or additions thereto, will be reported to FmHA and I (we) will inform them of the requirement to file a similar certificate.

PREVIOUS PROJECT NAME AND LOCATION	AGENCY AND PROJECT NO.	NAME OF PRINCIPAL	TYPE OF PARTICIPATION	CURRENT STATUS *(Specify type of any delinquence, transfer, mortgage relief, etc.)*

WARNING: Failure to report full, complete, and accurate information on this form or willfully falsifying, concealing or covering up material facts, or making any false, fictitious or fraudulent statements or representations may result in FmHA's not making or guaranteeing any loan requested, or may result in criminal prosecution.

Date	Title	Signature

BILLING CODE 3410-07-C

This regulation has not been determined significant under the USDA criteria implementing Executive Order 12044. A copy of the Impact Statement prepared according to these criteria is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

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

Dated: March 26, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79–10113 Filed 4–2–79; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

Importation of Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations to provide for the approval of additional quarantine facilities for the importation of birds, contingent upon a determination made by the Deputy Administrator that adequate personnel are available to service the facility if approved. This action is necessary because of the limited personnel available to Veterinary Services. The effect of this action would make the approval of any additional quarantine facility contingent upon a determination made by the Deputy Administrator that adequate personnel are available to service the facility if approved.

DATE: Comments on or before June 4, 1979.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. George P. Pierson, USDA, APHIS, VS, Import-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f, respectively), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

The regulations in 9 CFR 92.11 (f) provide standards for approved quarantine facilities and handling procedures for importation of birds through such approved facilities.

It is proposed to amend § 92.11 (f) of the regulations to provide that approval of any additional quarantine facility for importation of birds is contingent upon a determination being made by the Deputy Administrator that adequate personnel are available to provide services required by the facility if approved. This action is being taken because APHIS has a limited number of personnel available to service these facilities. Therefore, approval of a quarantine facility would be contingent upon the existence of an adequate number of APHIS personnel to service the facility.

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

§ 92.11 [Amended]

In § 92.11 (f), the introductory paragraph would be amended to read:

* * * * *

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* To qualify for designation as an approved quarantine facility [8] and to retain such approval, the facility and its maintenance and operation must meet the minimum requirements of subparagraphs (1) through (6) of this paragraph (f): *Provided, however,* Approval of any quarantine facility shall be contingent upon a determination made by the Deputy Administrator that adequate personnel are available to provide services required by the facility if approved. The cost of the facility and all costs associated with the maintenance and operation of such facility shall be borne by the importer in accordance with the provisions of subparagraph (7) of this paragraph.

* * * * *

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, 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)).

Comments submitted should bear a reference to the date and page number of this isue of the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of March 1979.

Note.—This proposal has been reviewed under the USDA criteria established to implement E. O. 12044, "Improving Government Regulations," and has been designated "significant." An approved Draft Impact Analysis Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. 301–436–8695.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79–10027 Filed 4–2–79; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 210, 211, 212]

Butane and Natural Gasoline Deregulation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") is proposing amendments to exempt butane and natural gasoline from the Mandatory Petroleum Allocation and Price Regulations. The ERA is issuing this notice of proposed rulemaking and public hearing to obtain comment on whether its findings justify such exemption and is concurrently making publicly available a draft regulatory analysis on this proposal.

DATES: Comments by May 18, 1979, 4:30 p.m.; requests to speak by April 20, 1979, 4:30 p.m.; *Hearing Date:* May 9, 10, and 11, 1979, 9:30 a.m., and continued if necessary at 9:30 a.m. at the same location on the following day.

ADDRESSES: All comments to: Public Hearing Management, (ERA Docket No. ERA–R–79–14), Department of Energy,

Room 2313, 2000 "M" Street, NW., Washington, D.C. 20461; Requests to speak: Public Hearing Management, Docket No. ERA–R–79–14, Department of Energy, Room 2313, 2000 "M" Street, NW., Washington, D.C. 20461; Hearing Location: Forrestal Building, Room GEO–86, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2214 B, 2000 "M" Street, NW., Washington, D.C. 20461, (202) 254–5201.

William Webb (Office of Public Information), Economic Regulatory Administration, Room B110, 2000 "M" Street, NW., Washington, D.C. 20461, (202) 634–2170.

Gerald P. Emmer (Office of Petroleum Allocations), Economic Regulatory Administration, Room 2304, 2000 "M" Street, NW., Washington, D.C. 20461, (202) 254–7200.

Jeffrey C. Conrad (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6754.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Exemption Procedure.
III. Proposed Exemptions.
IV. Comment Procedures.

I. Introduction

Following a preliminary analysis of butane and natural gasoline supply, demand, price, and market factors, we have tentatively concluded that these products should be exempted from the Mandatory Petroleum Allocation and Price Regulations, (10 CFR Parts 210, 211, and 212) promulgated under the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA," Pub. L. 93–159). By this notice of proposed rulemaking and public hearing, the ERA is therefore proposing amendments to exempt butane and natural gasoline from the regulations. The amendments would convert the regulations to standby status with respect to the pricing and allocation of butane and natural gasoline.

This notice of proposed rulemaking and public hearing is issued concurrently with a draft regulatory analysis, as to which public comments are also requested.

During 1976, after extensive hearings on each proposal, the Federal Energy Administration ("FEA") exempted from the Mandatory Petroleum Allocation and Price Regulations a number of petroleum products pursuant to section 12 of the EPAA. On June 1, 1976, the exemption of residual fuel oil became effective (41 FR 13896, April 1, 1976); on July 1, 1976, middle distillates were so exempted (41 FR 24516, June 16, 1976). Effective September 1, 1976, napthas, gas oils, greases, lubricants, certain petrochemical feedstocks and other specialty products were exempted (41 FR 30096, July 22, 1976); and on October 1, 1976, naptha-base jet fuel was exempted (41 FR 40451, September 20, 1976). Finally, effective February 26, 1979, DOE exempted aviation gasoline and kerosene base jet fuel from the price and allocation regulations (44 FR 7064, February 5, 1979). In each case, the DOE (FEA) made the required statutory findings in support of the exemption. Each exemption was submitted to and not disapproved by the Congress pursuant to the review procedures set forth in section 551 of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94–163).

In addition, on August 8, 1977, the FEA issued a notice of proposed rulemaking to exempt motor gasoline (42 FR 40915, August 12, 1977). However, in contemplation of the transfer of authority from the FEA to the newly-established DOE, effective October 1, 1977, the FEA deferred any action on the motor gasoline proposal to afford the Federal Energy Regulatory Commission ("FERC") an opportunity to consider the proposal under section 402(c) of the Department of Energy Organization Act ("DOE Act," Pub. L. 95–91). The FERC concurred on March 29, 1978, in the proposal to exempt motor gasoline. On July 14, 1978, in accordance with 10 CFR Part 208 and in compliance with the National Environmental Policy Act, as amended, ("NEPA," Pub. L. 91–190), DOE held a public hearing and received testimony as to the environmental effect of this proposal. On January 30, 1979, DOE issued an environmental impact statement regarding this proposal. DOE is currently continuing to review its proposal to exempt gasoline from mandatory price and allocation controls.

II. Exemption Procedure

Section 12 of the EPAA requires that an exemption of an oil or refined product category from the regulations prescribed under section 4(a) of the EPAA be consistent with the attainment of the public policy objectives specified in section 4(b)(1) of the EPAA. Those objectives are as follows:

A. Protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating such as individual homes, apartments and similar occupied dwelling units), and the national defense;

B. Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

C. Maintenance of agricultural operations, including farming, ranching, dairy and fishing activities, and services directly related thereto;

D. Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

E. The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

F. Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, non-branded independent marketers, branded independent marketers, and among all users;

G. Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, expoloration for, and production or extraction of—

(i) Fuels, and

(ii) Minerals essential to the requirements of the United States, and for required transportation related thereto;

H. Economic efficiency; and

I. Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

With respect to all previous actions in which crude oil, residual fuel oil, or a refined petroleum product was exempted from regulations for a class of persons or transactions, or with respect to any market level, the proposed amendment was submitted to the Congress for review as an energy action under section 551 of the EPCA, before it became effective, as was required by section 12 of the EPAA and section 102 of the Energy Conservation and Production Act (Pub. L. 94–385). Such exemptions became effective if the

amendments were not disapproved by either House of Congress within 15 days following submission for Congressional review under section 551 of the EPCA.

In addition, as is required under section 12 of the EPAA with respect to actions exempting residual fuel oil or any refined petroleum product from DOE allocation regulations, prior amendments submitted to Congress were accompanied by a finding that the oil or product was no longer in short supply and that the exemption would not have an adverse impact on the supply of any other oil or product. The proposed exemptions from DOE (FEA) price regulations were also accompanied by findings that competition and market forces would provide adequate protection for the consumer, and that such amendment would not result in inequitable prices for any class of user, together with an analysis of the potential economic impact of such amendment.

Section 18 of the EPAA provides in relevant part:

> Notwithstanding any other provision of this Act, at midnight on the conclusion of the 40th month in which the amendment under section 8(a) is in effect [May 31, 1979], the President's authority to promulgate, make effective, and amend a regulation pursuant to section 4(a) of this Act shall become discretionary rather than mandatory, and the limitations on the President's authority contained in sections 4(b)(2), 8, and 9 of this Act shall terminate.

We have determined not to make any final amendments exempting butane and natural gasoline from the regulations effective until after May 31, 1979.

Under Section 18 the President's authority to promulgate, make effective, and amend the Section 4(a) regulation becomes discretionary on June 1. Consistent with this provision, the limitations (which relate to the provisions of the Section 4 regulation) on the President's authority contained in Section 4(b)(2), 8, and 9 of the EPAA terminate on May 31. Since the change in the President's authority to the discretionary mode is imcompatible with the continuation of the requirement of Section 12(c) of the EPAA for the submission of energy actions in connection with the exemption of crude oil, residual fuel oil or any refined petroleum product or refined product category, these requirements are no longer applicable after May 31.

Any oil or refined petroleum product which is exempted from the DOE regulation under section 4(a) of the EPAA is subject to the reimposition of price and allocation controls if the DOE determines that reimposition is necessary for and consistent with the objectives specified in section 4(b)(1) of the EPAA. The reimposition of price and allocation controls with respect to exempted oil or petroleum product would be effected under section 12(f) of the EPAA.

III. PROPOSED EXEMPTION

We are considering the exemption of butane and natural gasoline from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations because recent supplies and market conditions appear to justify an end to both types of controls.

For the purposes of these proposed exemptions, the DOE price regulations (10 CFR 212.31) define butane as " * * * a hydrocarbon whose chemical composition is predominately C_4H_{10}, whether recovered from natural gas or crude oil * * * " and natural gasoline as " * * * all liquid hydrocarbon mixtures, containing substantial quantities of pentanes and heavier hydrocarbons, that have been extracted from natural gas * * *."

We have tentatively concluded on the basis of analysis of currently available data that these exemptions would be consistent with the objectives set forth in section 4(b)(1) of the EPAA, as amended by section 451 of the EPCA.

Our preliminary conclusion is that as long as supplies continue to be adequate relative to demand, the continuation of allocation and price controls on butane and natural gasoline, is unnecessary to protect the public health, safety and welfare, and the national defense (section 4(b)(1)(A)); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section 4(b)(1)(G)). Adequate supply and the positive effects of increased competition would also insure that such exemptions would be consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). These exemptions should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)). We emphasize that these conclusions are preliminary and invite you to submit specific data, views, and arguments with respect to the relationship between the objectives specified in section 4(b)(1) of the EPAA and the exemptions contemplated by this notice. In formulating our final notice, we will consider any further information received with respect to the compatibility of the exemptions considered herein with these objectives.

Tentative conclusions based on the draft regulatory analysis are that:

(1) Butane and natural gasoline are not in short supply.

(2) Exemption of butane and natural gasoline from the allocation and price regulations will not have an adverse impact on the supply of any other oil or refined petrolum product subject to the EPAA.

(3) Competition and market forces are adequate to protect consumers following exemption of butane and natural gasoline from regulation.

(4) Exemption of butane and natural gasoline from regulation will not result in inequitable prices for any class of user of butane, natural gasoline or other products.

Our tentative view concerning the potential economic effects of exempting butane and natural gasoline form the Mandatory Petroleum Allocation and Price Regulations is that there will be little impact. Since we anticipate no changes in the supply or demand as a result of these exemptions, and anticipate only small increases in prices, we foresee no adverse state or regional effects. In particular, we expect no effect on any governmental units.

In a period of adequate supplies, we anticipate no adverse economic effects on the availability of consumer goods or services, the Gross National Product, competition, small business, or the supply and availability of energy resources as fuel or feedstock for industry. These exemptions are likewise expected to have no adverse effect on employment or consumer prices. Our preliminary analysis indicates that, since supplies should remain adequate, there will be no effect resulting from these exemptions on the rate of unemployment in the United States, on the Consumer Price Index, or on the implicit price deflator for the Gross National Product.

Should we determine during this proceeding that our preliminary findings with respect to the market conditions governing the price and allocation of butane or natural gasoline do not support a final ERA deregulation action, we may determine to exempt one product and not the other. ERA deregulation of either product may be

adopted on specific levels of product distribution.

In addition, we specifically request comments with respect to what changes, if any, would be necessary under 10 CFR Part 212, Subpart F (Resellers and Retailers) and Subpart K (Natural Gas Liquids), if we remove butane and natural gasoline from price and allocation controls and such controls are still in effect with respect to propane.

IV. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the issues set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Butane and Natural Gasoline Deregulation" Docket No. ERA–R–79–14. Ten copies should be submitted. All comments received will be avaialble for public inspection in the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Comments should be received by May 18, 1979, 4:30 p.m. in order to be considered.

Any information or data you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determiantion.

B. Public Hearing

1. *Requesting Opporunity to Participate.* The time and place for the hearing are indicated in the "DATES" and "ADDRESSES" section of this Notice. If necessary to present all testimony, the hearing will be continued at 9:30 a.m. of the next business day following the first day of the hearing.

Any person may make a written request for an opportunity to make an oral presentation at the hearing. Requests should be submitted by April 20, 1979, 4:30 p.m. You should provide a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified by the DOE before 4:30 p.m., April 24, 1979. You must submit 100 copies of your statement to the address given above for requests to speak before 4:30 p.m., on the day before the hearing.

2. *Conduct of the Hearing.* We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing, which will not be judicial in nature. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing. Such questions should be submitted to the address indicated above for requests to speak, before 4:30 p.m. on the day prior to the hearing. If at the hearing you decide that you would like to ask a question of a witness, you may submit the question, in writing, to the presiding officer. In either case the presiding officer will determine whether the time limitations permit it to be presented for a response.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and the entire record of the hearing, including the transcript, will be retained by the DOE and made available for inspection at the ERA Office of Public Information, Room B–110, 2000 "M" Street, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As is required under 10 CFR Part 208, we have determined that these exemptions would not significantly affect the quality of the environment, and therefore, no environmental impact statement is required under NEPA.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), as amended, a copy of this Notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. By letter dated March 21, 1979, the Administrator commented as follows:

On the basis of our preliminary review, we do not foresee these actions having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of EPA. Although we have no comments to make at this time, we reserve the right to provide further comments in accordance with our responsibilities under Section 309 of the Clean Air Act once the proposed rule has been released for more extensive review and public comment.

We have determined that this Notice proposes the adoption of a significant regulation requiring the preparation of a regulatory analysis for purposes of Executive Order No. 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978) and the DOE Management Directive, "Procedures for the Development and Analysis of Regulations, Standards, and Guidelines" (44 FR 1032, January 3, 1979). Accordingly, a draft regulatory analysis has been prepared and is available upon request at the Office of Public Information, Economic Regulatory Administration, 2000 "M" Street, N.W., Room B110, Washington, D.C. 20461.

This Notice is also being transmitted to the FERC, for consideration pursuant to section 404 of the DOE Act.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Energy Conservation and Production Act, Pub. L. 94–385, as amended, Pub. L. 95–70, Pub. L. 95–91; Department of Energy Organization Act, Pub. L. 95–91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., March 28, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Section 210.35 is amended by adding paragraphs (k) and (l) to read as follows:

§ 210.35 Exempted products.

* * * * *

(k)(1) Butane is exempt from the provisions of Part 211 of this chapter.

(2) Butane as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(l)(1) Natural gasoline is exempt from the provisions of Part 211 of this chapter.

(2) Natural gasoline as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

2. Section 211.1 is amended in paragraph (b) by adding subparagraph (10) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.* * * *

(10) Notwithstanding the other provisions of this part, including Subpart

E of this part, butane and natural gasoline are excluded from this part.

* * * * *

3. Section 212.31 is amended in the definition of "covered products" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means crude oil, motor gasoline, natural gas liquids, and propane. A blend of two or more particular covered products is considered to be that particular covered product constituting the major portion of the blend.

4. Part 212 is amended by adding new §§ 212.60 and 212.61 as follows:

§ 212.60 Butane.

The prices charged for butane are exempt from the provisions of this part.

§ 212.61 Natural gasoline.

The prices charged for natural gasoline are exempt from the provisions of this part.

[Docket No. ERA-R-79-14]

[FR Doc. 79-10231 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

[10 CFR Parts 500, 501, 502, 503, 504, 505, 506, 507]

Intent To Issue Interim Rules To Implement Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of intent to issue interim rules.

SUMMARY: The Economic Regulatory Administration of the Department of Energy is proposing to issue, before May 8, 1979, Interim Rules to implement major provisions of the Powerplant and Industrial Fuel Use Act of 1978. These Interim Rules will provide for a substantial written comment period.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Gurney (Regulations and Emergency Planning), Economic Regulatory Administration, Department of Energy, Room 2130, 2000 M Street, N.W., Washington, D.C. 20462, (202) 632-6690.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration has recently received several requests for an extension of the comment period on the proposed regulations concerning "new" and "existing" facilities under the Powerplant and Industrial Fuel Use Act of 1978 (FUA). Because of the complexity of the subject matter, we understand the desire for more time to review the proposed regulations. For this reason we previously extended the comment period on the "new" facility regulations from February 2, 1979 to March 12, 1979. However, because of the additional demands an additional extension would make on our limited resources, it is simply not possible to extend the comment period further and still promulgate regulations before the effective date of FUA. Nonetheless, we also wish to give interested persons adequate opportunity to comment further on the entire body of regulations, particularly after we have adopted revisions in light of public comments to date. Such further opportunity to comment may prove especially fruitful if it follows upon some practical opportunities to operate under FUA after the new law goes into effect on May 8, 1979.

Accordingly, it is our present intention to issue, before May 8, 1979, Interim Rules to implement major provisions of FUA. These Interim Rules will provide for a substantial period for written comments.

Issued at Washington, D.C., March 26, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

[ERA-R-78-19]

[FR Doc. 79-9735 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

[13 CFR Part 302]

Financial Assistance; Designation of Areas

AGENCY: Economic Development Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: This rule proposes to revise the criteria by which the Agency determines areas to be eligible for financial assistance. Currently, certain parts of these requirements are based on sections of the statute which have subsequently been amended. The intended effect of this rule is to bring these requirements into conformity with the statute as amended, and to make other minor changes.

DATES: Comments by: June 4, 1979.

ADDRESSES: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

Information on regulations

James F. Marten, U.S. Department of Commerce, Room 7009, Washington, D.C. 20230, 202-377-5441.

Information on programs and applications

Atlantic Regional Office, 10424 Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106, 215-597-4603.

Southeastern Regional Office, 1365 Peachtree Street, N.E., Suite 700, Atlanta, Georgia 30309, 404-881-7401.

Rocky Mountain Regional Office, 909 17th Street, Suite 505, Denver, Colorado 80202, 303-837-4714.

Midwestern Regional Office, 175 W. Jackson Blvd., Suite A-1630, Chicago, Illinois 60604, 312-353-7707.

Western Regional Office, 1700 Westlake Avenue North, Suite 500, Seattle, Washington 98109, 206-442-0596.

Southwestern Regional Office, 221 West Sixth Street, Suite 600, Austin, Texas 78701, 512-397-5461.

SUPPLEMENTARY INFORMATION: The Economic Development Administration (EDA) is considering revising Part 302 of Volume 13 of the Code of Federal Regulations to accomplish two objectives: first, to implement the changes made to Title IV of the Public Works and Economic Development Act (PWEDA) (42 U.S.C. 3161 *et seq.*) by Public Law (Pub. L.) 95-487; and second, to clarify certain regulations with respect to statutory requirements. Accordingly, EDA proposes to revise the following sections of its regulations.

1. The table of contents will be amended to revise the title of § 302.11, to add a new section § 302.12, to redesignate existing 13 CFR 302.12 as § 302.13, to add a new § 302.21, and to revise the title of § 302.41. These changes are made to accord with the changes made by this document. In addition, EDA proposes to delete certain repetitious language from the beginning of the titles to the sections in Subpart A and § 302.20. The authority section will be revised to include a reference to Pub. L. 89-136 "as amended".

2. 13 CFR 302.1(a) will be amended by substituting "twelve consecutive months" for "available calendar year" to implement the revision to section 401(a)(1)(A) of PWEDA. This change is intended to shorten the time between determination of eligibility and notification to an area of its eligibility.

3. 13 CFR 302.7 will be amended to delete paragraph (b). Currently, § 302.7(b) permits an area to be designated as a public works impact program (PWIP) area on the basis of a

smaller area within the proposed redevelopment area provided that the smaller area meets the criteria of paragraph (a) of § 302.7 and provided that the unemployed and underemployed within the smaller area will benefit from the proposed designation of the PWIP area. EDA proposes to delete this paragraph to restrict designation of PWIP areas to only those areas which can meet the requirements of § 302.7(a) as a whole.

4. Proposed 13 CFR 302.9 revises current § 302.9 to correct the citation to the Economic Opportunity Act of 1964.

5. 13 CFR 302.11 will be amended to add a new requirement that areas be designated on the basis of substantial unemployment only if the unemployment is both substantial for the preceding twenty-four months and above the national average for the same period. This amendment reflects the change made to section 401(a)(8) of PWEDA by Pub. L. 94–487 and will ensure that only those areas with unemployment distress worse than the national average may be designated as redevelopment areas.

6. Proposed 13 CFR 302.12 defines a new criterion for designation based on long-term economic deterioration. This new criterion will implement a new section 401(a)(9) of PWEDA, as amended by Pub. L. 94–487.

7. Current 13 CFR 302.12 will be redesignated as 13 CFR 302.13. Paragraph (a) is revised to include in its reference all sections contained in Subpart A of Part 302. Paragraph (b) is revised to clarify the regulation with respect to the statutory requirements of section 401(d) of PWEDA, as amended. In particular, this revision states that the designation of areas under 13 CFR 302.13 need not be terminated if the new area becoming qualified utilizes section 401(a)(6) of PWEDA, as implemented by 13 CFR 302.7 and 13 CFR 302.8, or utilizes § 302.9 of 13 CFR.

8. 13 CFR 302.20(a)(2) will be revised to delete the reference to 13 CFR 302.6 and to reduce the population requirement from 250,000 to 25,000 as required by section 401(b)(4) of PWEDA, as amended by Pub. L. 94–487.

13 CFR 302.20 will be further amended to add a new paragraph (b) which provides expressly that communities with mutual economic interests and transportation and marketing patterns may combine to meet the requirements for designation. This change reflects the amendment made to section 401(b) of PWEDA by Pub. L. 94–487.

9. Paragraphs (b), (c), and (d) of current 13 CFR 302.20 are proposed to be moved to a new § 302.21. Paragraph (c) of proposed § 302.21 allows EDA to extend the period within which a qualified area must submit an acceptable overall economic development program for an additional six months if EDA determines there is good cause for such an extension.

10. Proposed 13 CFR 302.40 will revise the reference in paragraph (a) of current § 302.40, "§§ 302.1 through 302.12," to "under Subpart A of this part." This change is necessitated by the addition of a new 13 CFR 302.12.

11. 13 CFR 302.41(a) and (b) are proposed to be amended to provide that EDA will perform the "annual review" of an area's status for designation during the month of the anniversary of designation or during the month of the anniversary of notice of qualification. Previously, EDA performed the required annual review for all areas before December 1st of each year. Because of the amendments made to the statute and the changes made by this rule, EDA will no longer be able to rely on uniform annual unemployment statistics for each area. Designation of areas under §§ 302.1 and 302.11, as amended herein, will be based on monthly statistics. Accordingly, EDA proposes to revise the requirement of the annual review to make the review occur on twelve month intervals depending on the initial date of designation or, with respect to qualified but undesignated areas, depending on the date of notification of eligibility for designation.

EDA will further amend 13 CFR 302.41 by modifying paragraph (2) of subsection (b) so that the reader is referred to 13 CFR 302.13 for the rules regarding the termination of areas designated under that section.

12. 13 CFR 302.50 is proposed to be amended by changing the reference in paragraph (a)(1), "§§ 302.1—302.12," to "in Subpart A of this part." This change is necessitated by the addition of new 13 CFR 302.12.

Because this rule concerns eligibility criteria and will affect potential applicants under PWEDA generally, EDA is preparing these regulations in accordance with the procedural requirements imposed on "significant regulations" by Executive Order (EO) 12044. EDA has determined that this rule does not have major economic consequences and, consequently, does not require preparation of a regulatory analysis under EO 12044. EDA has also determined that this proposed rule does not constitute a "major initiative" under EO 12074 and OMB Circular No. A–116 and does not require preparation of an urban and community impact analysis. In keeping with the spirit of EO 12044 to provide greater opportunity for public comment, EDA will send a copy of this proposed rule directly to the major State and local government associations.

Accordingly, EDA proposes to revise 13 CFR Part 302 to read as follows:

PART 302—DESIGNATION OF AREAS

1. By revising the table of contents to read as follows:

Subpart A—Standards for Designation of Redevelopment Areas Under Section 401(a) of the Act

Sec.
302.1 Designation on the basis of unemployment.
302.2 Designation on the basis of loss of population.
302.3 Designation on the basis of median family income.
302.4 Designation on the basis of Indian lands.
302.5 Designation on the basis of sudden rise in unemployment.
302.6 Designation on the basis of Area Redevelopment Act.
302.7 Designation of public works impact program areas.
302.8 Designation of special impact areas.
302.9 Recognition of redevelopment areas designated under the Economic Opportunity Act of 1964.
302.10 Designation on the basis of per capita employment.
302.11 Designation on the basis of substantial unemployment and the national average rate of unemployment.
302.12 Designation on the basis of long-term economic deterioration.
302.13 Exception to criteria for qualification.

Subpart B—Limitations on Designation of Areas

302.20 Limitations with respect to the size and boundaries of redevelopment areas.
302.21 Receipt of an acceptable OEDP.

Subpart C—Review, Modification, and Termination of Designated Areas

302.40 Adjustment of boundaries.
302.41 Review of area eligibility and termination of designation.

Subpart E—Notice

302.50 Notification of public officials.
302.51 Lists of redevelopment areas and centers designated under the Act.

Subpart F—Information

302.60 Information.

Authority: Sec. 701, Pub. L. 89–136, 79 Stat 570, as amended (42 U.S.C. 3211); Department of Commerce Organization Order 10–4 (September 30, 1975), as amended (40 FR 56702 as amended).

2. By revising § 302.1(a) to read as follows:

§ 302.1 Designation on the basis of unemployment.

On the basis of unemployment figures supplied by the Secretary of Labor, the

Assistant Secretary shall designate those areas as redevelopment areas:

(a) Where the current rate of unemployment, as determined by appropriate annual statistics for the most recent twelve consecutive months, is 6 percent or more and had averaged at least 6 percent for the qualifying time periods specified in paragraph (b) of this section; and

* * * * *

3. By deleting § 302.7(b) to read as follows:

§ 302.7 Designation of public works impact program areas.

* * * * *

(b) [deleted]

* * * * *

4. By revising § 302.9 to read as follows:

§ 302.9 Recognition of redevelopment areas designated under the Economic Opportunity Act of 1964.

Areas selected for assistance under section 742(b)(1) of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2985a) will be deemed redevelopment areas within the meaning of section 401 of the Act. Such areas qualify for assistance under the provisions of Titles I and II of the Act, and shall be deemed to have met the overall economic development program requirements of section 202(b)(10) of the Act.

5. By revising § 302.11 to read as follows:

§ 302.11 Designation on the basis of substantial unemployment and the national average rate of unemployment.

(a) The Assistant Secretary shall designate as redevelopment areas those areas for which the Secretary of Labor has made both of the following determinations:

(1) The area has experienced substantial unemployment for the preceding twenty-four months; and

(2) The area has experienced unemployment which is above the national average for the preceding twenty-four months.

(b) The Secretary of Labor shall make the determinations described in paragraphs (a)(1) and (a)(2) of this section on the basis of average annual available unemployment statistics.

(c) For the purpose of this section, "substantial unemployment" is defined as an unemployment rate of 6 percent or more.

6. By adding a new § 302.12 to read as follows:

§ 302.12 Designation on the basis of long-term economic deterioration.

The Assistant Secretary shall designate as redevelopment areas those areas which have demonstrated long-term economic deterioration.

7. By redesignating existing § 302.12 as § 302.13 and revising it to read as follows:

§ 302.13 Exception to criteria for qualification.

(a) The Assistant Secretary shall designate in a State which has no redevelopment area that area which most nearly qualifies under this subpart.

(b) Designation made under paragraph (a) of this section shall be terminated in accordance with section 402 of the Act if any other area within the same State subsequently becomes qualified or designated under any other section of this subpart.

(1) Designation under paragraph (a) of this section will not be terminated under paragraph (b) of this section if the area becoming qualified or designated becomes qualified under § 302.7, § 302.8, or § 302.9.

(2) Terminations under this subsection will become effective at the time of the annual review under § 302.41.

8. By revising § 302.20(a)(2) and (b) to read as follows:

§ 302.20 Limitations with respect to the size and boundaries of redevelopment areas.

(a) The size and boundaries of redevelopment areas will be determined by the Assistant Secretary subject to the following limitations.

* * * * *

(2) Except for areas designated in accordance with §§ 302.4, 302.5, and 302.7–302.9, no area will be designated which is smaller than a "labor area" (as defined by the Secretary of Labor), a county, or a municipality with a population of over 25,000 persons, whichever the Assistant Secretary deems appropriate.

* * * * *

(b) Nothing in this section shall prevent any municipality designated or eligible to be designated as a redevelopment area from combining with any other community having mutual economic interests and transportation and marketing patterns for the purpose of such designation.

9. A new § 302.21 is added to read as follows:

§ 302.21 Receipt of an acceptable OEDP.

(a) No area shall be designated until it has an approved overall economic development program (OEDP), as described in 13 CFR Part 304, except those areas eligible for designation under §§ 302.5 and 302.7.

(b) Areas qulaified in accordance with § 302.5 may be designated subjected to the receipt of an acceptable OEDP within 6 months following such conditional designation, or within such additional period as the Assistant Secretary may grant for good cause.

(c) Any area, other than those areas eligible for designation pursuant to §§ 302.5 and 302.7, which does not submit an acceptable OEDP within 6 months after notification of its qualification for designation, shall not thereafter be designated prior to the next annual review of eligibility; however, such period may be extended for up to 6 months if EDA determines there is good cause.

10. By revising § 302.40(a) to read as follows:

§ 302.40 Adjustment of boundaries.

(a) The Assistant Secretary may make minor modifications in the boundaries of redevelopment areas designated under Subpart A of this part.

* * * * *

By revising § 302.41 to read as follows:

§ 302.41 Review of area eligibility and termination of designation.

(a) *Newly qualified areas.* Based on the appropriate annual and monthly statistics, the Assistant Secretary shall determine whether any new areas are eligible for designation as such statistics become available.

(b) *Annual review of previously qualified ares and of previously designated areas.* Ths Assistant Secretary shall conduct an annual review of area eligibility during the month of the anniversary of the designation of the area or during the month of the anniversary of the notification to an area of its qualification for designation where such qualified area did not receive desgnation where such qualified area did not receive designation for failure to meet the requirements of this part. This review will be made to determine:

(1) Whether qualified areas continue to meet qualification criteria, or

(2) Whether the designation status of an area shall be terminated or modified in accordance with prescribed standards. Any area designated under § 302.13 shall have its designation terminated as set forth in paragraph (b) of that section.

By revising § 302.50(a)(1) to read as follows:

§ 302.50 Notification of public officials.

(a) The Assistant Secretary shall notify local, State, and national officials of:

(1) An area's qualifying under criteria set forth in Subpart A of this part.

* * * * *

(Sec. 701, Pub. L. 89–136, 79 Stat. 570, as amended (42 U.S.C. 3211); Pub. L. 94–487, 90 Stat. 2331; Department of Commerce Organization Order 10–4 (September 30, 1975), as amended (40 FR 56702 as amended at 40 FR 58878 and 41 FR 35548).

Dated: March 26, 1979.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 79–10116 Filed 4–2–79; 8:45 am]

BILLING CODE 3510–24–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 184, 186]

Acetic Acid, Ammonium Acetate, Sodium Acetate, and Sodium Diacetate; Proposed GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to affirm acetic acid, sodium acetate, and sodium diacetate as generally recognized as safe (GRAS) direct human food ingredients and to affirm acetic acid and sodium acetate as GRAS indirect human food ingredients. The agency is also proposing that ammonium acetate be removed from GRAS status. The safety of these ingredients has been evaluated under a comprehensive safety review being conducted by the agency. The proposal would list all the ingredients except ammonium acetate as food substances affirmed as GRAS.

DATE: Comments by June 4, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review. Under this review, the safety of acetic acid, ammonium acetate, sodium acetate, and sodium diacetate has been evaluated. In accordance with § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of all these ingredients except ammonium acetate.

Acetic acid, also known as ethanoic acid and methane carboxylic acid, is one of the most important industrial organic acids. Acetic acid is a colorless, volatile liquid at ambient temperatures. The pure compound, glacial acetic acid, owes its name to an ice-like crystalline appearance. Acetic acid is generally supplied as either a 6-percent or a 36-percent solution. Acetic acid is most widely known in the form of vinegar, a dilute aqueous solution. It occurs naturally in plants and animal tissues. Acetic acid is added to foods for various purposes, including preservation, acidulation, and flavoring. The commercial methods of producing acetic acid have shifted in the last hundred years from fermentation to organic synthesis. The principal synthetic methods currently employed are oxidation of acetaldehyde derived from ethylene, liquid phase oxidation of butane, and reaction of carbon monoxide with methanol derived from natural gas.

Acetic acid is listed in § 182.1005 (21 CFR 182.1005) as a multiple purpose GRAS food substance, under regulations published in the **Federal Register** of November 20, 1959 (24 FR 9368) and subsequently recodified. It is also listed in § 182.70 (21 CFR 182.70) as a GRAS substance migrating to food from cotton and cotton fabrics used in dry food packaging, under regulations published in the **Federal Register** of June 10, 1961 (26 FR 5224), and in § 182.90 (21 CFR 182.90) as a GRAS substance migrating to food from paper and paperboard products used in food packaging, under regulations published in the **Federal Register** of June 17, 1961 (26 FR 5421).

Acetic acid has a U.S. Department of Agriculture (USDA) prior sanction for use in refining rendered fats. It is approved for use as a denaturant for ethyl alcohol used in the manufacture of vinegar (27 CFR 212.26), and for the treatment of wine (27 CFR 240.1051). Acetic acid is also permitted as an optional acidifying ingredient in various cheese products (21 CFR 133.123, 133.124, 133.169, 133.173, 133.178, and 133.179).

Sodium acetate is the sodium salt of acetic acid and is a normal metabolic intermediate found in almost all living organisms. It exists as colorless transparent crystals or as a grandular crystalline powder and may occur as the anhydrous or trihydrate salt. It is listed in § 182.1721 (21 CFR 182.1721) as a multiple purpose GRAS food substance, under regulations published in the **Federal Register** of November 20, 1959 (24 FR 9368) and subsequently recodified, and in § 182.70 (21 CFR 182.70) as a GRAS substance migrating to food from cotton and cotton fabrics used in dry food packaging, under regulations published in the **Federal Register** of June 10, 1961 (26 FR 5224). It is also regulated in 21 CFR 173.310 for use as a boiler water additive. In addition, sodium acetate may be used as an optional ingredient in artificially sweetened fruit jelly (21 CFR 150.141) and artificially sweetened fruit preserves and jams (21 CFR 150.161).

Sodium diacetate is a molecular compound of acetic acid, sodium acetate, and water of hydration. It dissociates in the body to its constituent compounds. It is used as an antimicrobial agent in baked goods and other foods in the United States. It reportedly does not contribute to undesirable flavors in foods as do effective levels of vinegar or acetic acid. Sodium diacetate is listed in § 182.6754 (21 CFR 182.6754) as GRAS for use as a sequestrant, under regulations published in the **Federal Register** of November 20, 1959 (24 FR 9368) and subsequently recodified.

An opinion letter was also issued which declared ammonium acetate GRAS when used, under 21 CFR 175.105, as a component of adhesives.

The agency surveyed a representative cross-section of food manufacturers to determine the specific foods in which acetic acid, sodium acetate, and sodium diacetate are used and the levels of usage. It combined consumer consumption survey information with the manufacturing information to estimate consumer exposure to these ingredients. The amounts of acetic acid, sodium acetate, and sodium diacetate used in 1970 were estimated to be 20 million, 353,000, and 220,000 pounds, respectively. Compared to 1960 usage levels, these figures represent a slight increase in acetic acid use and about a twofold increase in use of its salts. Food use information on ammonium acetate ws not received during these surveys, nor was any obtained from subsequent inquiries.

Acetic acid and acetates have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered

(1) chemical toxicity; (2) occupational hazards; (3) metabolism; (4) reaction products; (5) degradation products; (6) any reported carcinogenicity, teratogenicity, or mutagenicity; (7) dose response; (8) reproductive effects; (9) histology; (10) embryology; (11) behavioral effects; (12) detection; and (13) processing. A total of 971 abstracts were reviewed and 267 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee), chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Herting *et al.* introduced doses of up to 400 mg of acetic acid into the pylorus-ligated stomachs of anesthetized Sprague-Dawley rats and measured the disappearance of acetic acid over a six-hour period. The absorption of acetic acid showed a typical log-dose response with 2.0 millimoles (120 mg) being absorbed at the highest dose level. Since a constant amount of glycerol was absorbed under the same conditions regardless of the dose introduced, the authors suggested that glycerol absorption is by passive diffusion while acetic acid may be actively absorbed as well.

Davenport found that acetic acid is absorbed more rapidly than hydrochloric acid from the vagally denervated pouches of the oxyntic gland area of dogs' stomachs. He suggested that this is due to the fat solubility of acetic acid and concluded that acetic acid, under the experimental conditions used, caused increased permeability of the gastric mucosa that might lead to mucosal damage.

Flemstrom and Frenning intoduced doses of 170 millimoles (10 g) of acetic acid or sodium acetate into the pylorus-ligated stomachs of anesthetized cats and found that acetate disappeared more rapidly after instillation of acetic acid than of sodium acetate. Acetic acid, but not sodium acetate, increased the ionic permeability of the gastric mucosa.

Barry and Smyth used everted sacs of rat jejunum, both *in vivo* and *in vitro*, to study transfer of the sodium salts of acetic, propionic, butyric, valeric, and hexanoic acids across the intestinal mucosa. They concluded that acetate disappears more rapidly from the intestine *in vivo* than *in vetro*, the rate being about 440 micromoles (26 mg) per 20 minutes after introduction of 20 millimoles (1.2 g). Rate of absorption was decreased with increasing concentration of the dose introduced.

Medzihradsky and Lamprecht found the peak blood concentration of acetate to be 0.21 mg per ml 60 minutes after oral administration of 300 mg of acetic acid to adult female rats. Intraperitoneal injection of 125 mg of acetic acid resulted in a peak blood concentration of 0.73 mg per ml after 15 minutes. In neither case did elevated blood acetate concentration persist for longer than 120 minutes.

Fonnesu and Ciaranfi fed adult dogs a mixture consisting of bread, milk, lard, meat, and water *ad libitum*. Forty-five minutes after ingestion, the average acetate concentration in the lymph of 13 animals tested was found to average 18.5 mg per 100 ml compared to 7 to 9.5 mg per ml in venous and arterial blood, indicating that acetate produced during digestion is absorbed through the intestine mainly by the lymphatic route. Jentsch *et al.* found that about 60 percent (close to the theoretically expected value) of the metabolizable energy of acetic acid was utilized by swine when it was used as a feed supplement under conditions of fat production in full-grown animals.

Information concerning the intermediary metabolism of acetates has been obtained mainly from studies in which acetates were administered parenterally. Acetates serve as precursors for a large number of compounds. Only small amounts of acetate injected subcutaneously or intraperitoneally were found by Deuel and Milhorat in the urine of phlorhizinized or normal fasting dogs. Acetate was also found to be ineffective as a glucose former. The amount of sodium acetate administered ranged from 14.5 to 27.4 g (about 1 to 2 g per kg of body weight) dissolved in 80 to 140 ml of water. The results suggest that acetate is practically completely utilized in the living mammal.

Nicholas and Thomas found that sodium [1-^{14}C] acetate after intraperitoneal administration (dose not indicated) was incorporated into cholesterol in the brain and liver of immature rats and guinea pigs. No such incorporation occurred in the adult, however, even after the doses were increased. When administered to pregnant rats and guinea pigs, the labeled carbon crossed the placental barrier and became incorporated into the fetal brain cholesterol. Dhopeswarkar *et al.* injected sodium [1-^{14}C] acetate into the carotid artery of rats. They observed that fifteen seconds after the injection, radioactivity was found to be incorporated into all major polar lipid fractions of the brain, with phosphatidyl serine the most highly-labeled component. Schambye *et al.* reported that they obtained radioactivity in milk lactose of goats and cows given sodium [1-^{14}C] acetate intravenously.

In vitro experiments, all conducted with sodium [1-^{14}C] acetate, have also shed light on acetate metabolism. According to Huber *et al.* acetate was incorporated into the phospholipids of human lymphocytes *in vitro;* the highest percentage was found in lecithin; phosphatidylethanolamine, and sphingomyelin, and the lowest in lysolecithin. Canine alveolar lung cells incubated with sodium acetate resulted in the labeling of both neutral lipids and phospholipids; phosphatidyl choline was the most highly-labeled phosphatide, and cholesterol was the most highly-labeled neutral lipid. Hellig and Savard showed conversion of acetate into squalene, sterols, and progesterone in slices of bovine corpus luteum. Tsai *et al.* reported that rat testicular tissues converted acetate into squalene, sterols, and steroids. Bloch and Benirschke showed that human adrenal slices from 12- to 20-week-old fetuses synthesized several steroids from acetate. Wilkinson found that saturated and unsaturated fatty acids are among the principal products formed from acetate in human preputial skin and the skin of newborn mice.

Smythe *et al.* found the oral LD_{50} for acetic acid in rats to be from 3.2 to 3.8 g per kg body weight, and Woodard *et al.*, from 3 to 3.7 g per kg. For mice, Woodard *et al.* reported the oral LD_{50} to be from 4.4 to 5.6 g per kg. In the work of Woodard *et al.* the acetic acid was adjusted to pH 6 to 7 before administration. The intravenous LD_{50} for acetic acid (probably sodium acetate since dose was adjusted to pH 7.3 with sodium hydroxide) in mice has been reported by Orö and Wretlind to be 525 mg per kg. Welch *et al.* found the LD_{50} for sodium acetate to be 380 mg per kg in mice.

When Hermann *et al.* injected 10 ml of 0.25N acetic acid into the jugular veins of rabbits at 10-minute intervals, the lethal dose was found to be 500 mg per kg. The minimum lethal dose for intravenous injection of 1N sodium acetate into the jugular vein of rabbits at a rate of 2 ml per minute was reported by Baratto to be 3.54 g per kg.

A single intraperitoneal dose of 4 meq (240 mg) acetic acid per kg body weight failed to kill mice housed at 23° C, but more than 50 percent of mice receiving the same dosage died when housed at either 5° or 37° C. Sodium acetate toxicity was not temperature dependent at the same dosage. No explanation of this phenomenon was offered by the authors.

Okabe *et al.* suggested that the physiologically damaging effects of strong acetic acid (10 to 20 percent) may be due in part to corrosive action, especially on the alimentary canal in the case of direct application to the gastric mucosa of cats and rats. These may be compared to effects obtained in humans during suicidal attempts or accidental ingestion of highly concentrated acetic acid mixtures. While corrosion of the alimentary canal was reported in most cases, the amount consumed as a single dose in these instances should not be compared with the same total amount consumed at lower concentrations, particularly when mixed with other ingredients in the diet over a longer period of time. Under such conditions corrosion of the alimentary canal has not been reported.

Sollmann added acetic acid to the drinking water as the sole source of fluids for rats at concentrations up to 0.5 percent for two to four months. The daily doses were as high as 390 mg per kg body weight. At this level, the appetite and growth were adversely affected, food intake was reduced, but the fluid intake remained about the same. The rats lost 2.6 percent of their body weight per week at this concentration. No fatalities occurred. However, no effect on appetite, consumption of fluid, or growth was noted in concentrations from about 8 to 195 mg per kg of body weight.

Female rats were fed a diet in which acetate constituted 24 percent of the total caloric intake in place of starch and glucose.

Rats fed the acetate diet showed lower weight gains than rats fed diets containing starch and glucose. However, the digestible, metabolizable, and net energy measurements were not significantly affected.

Mori observed gastric lesions in 10 rats fed for 30 days a diet containing 50 ml glacial acetic acid per kg of rice, or about 4.5 g of acetic acid per kg of body weight per day. A few umbilicate lesions of the gastric mucosa were observed in three rats and a slight thickening of the wall in the forestomach in another three; the remaining four rats in the test showed no gastric change. When another group of five rats was fed the same diet for 325 days, four of the animals showed umbilicate or hyperkeratotic mucosal lesions of the non-glandular portion of the stomach, accompanied by submucosal inflammatory changes.

No long-term acetate or acetic acid feeding studies have come to the attention of the Select Committee. However, it is to be noted that consumption of vinegar which contains up to 5.6 percent acetic acid has long been practiced without reported adverse effects in normal individuals.

Wiseman and Adler reported a purported case of allergy involving a 35-year-old male with a four-year history of hives, especially on the head, arms, and neck, when exposed to cold. Patch-testing with 0.1 percent acetic acid was negative but became positive if followed by application of an ice cube for 15 minutes. Avoidance of foods containing acetic acid relieved the patient of his recurrent urticaria and mucous membrance hypersensitivity to cold. Tuft and Ettelson reported another case of purported allergy to acetic acid in a 37-year-old male with a 32-year history of nasal blockage, asthma, and headache. Relief from these reactions and from frequent oral cankers was obtained following avoidance of foods containing acetic and citric acids.

Teratologic evaluation of apple cider was made in rabbits. The administration of up to 1.6 g per kg body weight of the test material daily to pregnant rabbits (day 6 through day 18 of gestation) had no clearly discernible effect on nidation or on maternal or fetal survival. The number of abnormalities seen in either soft or skeletal tissues of the test groups did not differ from the number occurring spontaneously in the sham-treated controls. Sodium acetate displayed no teratogenicity in the developing chicken embryo at levels up to 200 mg per kg of egg when injected into the air cell or yolk of unincubated eggs, or at levels up to 100 mg per kg when injected into the air cell or yolk of eggs after 96 hours of incubation. It displayed no toxicity when injected into the air cell (200 mg per kg) and an LD_{50} of 91.5 mg per kg when injected into the yolk of unincubated eggs.

Sodium acetate was tested for mutagenic activity in a series of *in vitro* microbial assays using strains TA 1535, 1537, and 1538 of *Salmonella typhimurium* and strain D4 of *Saccharomyces cerevisiae* with and without metabolic activation by mouse, rat, or monkey liver homogenates. This substance did not exhibit mutagenic activity in any of the assays employed in this evaluation.

Female rabbits given oral doses of 0.1 to 0.2 g per kg body weight of acetic acid twice daily for five months, or 0.1 to 0.7 g per kg body weight of acetic acid in drinking water for 13 months exhibited no tumors. Demerec *et al.* found 0.03 percent acetic acid to produce 8 mutants per 10^8 *E. coli* cells with 50 to 100 percent survival, compared to 7 to 10 mutants per 10^8 cells in the controls. Male albino rats given oral doses of 350 mg per kg body weight of sodium acetate three times weekly for 63 days, followed by a dose of 140 mg per kg three times weekly for 72 days, showed no evidence of tumors when examined histologically after 135 days.

Qualified scientists of the Select Committee have carefully evaluated all available safety information on acetic acid, sodium acetate, and sodium diacetate. In the Select Committee's opinion,

Acetates are common constitutents of plant and animal tissues. They are normal metabolic intermediates produced in relatively large quantities during the digestion and metabolism of foods.

Although the Select Committee is not aware of any long-term studies of acetic acid or the acetates, short-term studies have revealed no untoward effects at concentrations far exceeding those consumed in the normal diet and do not suggest that adverse effects might be revealed by longer term studies.

No data on carcinogenic evaluation of acetic acid and the acetate salts have come to the attention of the Select Committee. Limited data indicate that acetic acid is not teratogenic *in vivo;* sodium acetate is not mutagenic and acetic acid is probably not mutagenic *in vitro.*

No reports of biological studies on sodium diacetate have been found, but since this substance dissociates in the body to sodium acetate and acetic acid, neither of which elicits adverse effects under current conditions of use, the Select Committee believes that use of sodium diacetate can be considered to be without adverse effects.

The Select Committee concludes that no evidence in the available information on acetic acid, sodium acetate, and sodium diacetate demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when the substances are used at levels that are now current or that might reasonably be expected in the future. The Commissioner has evaluated the available information on these compounds and agrees with the Select Committee's conclusion. The Commissioner therefore concludes that no change in the current GRAS status of acetic acid, sodium acetate, or sodium diacetate is justified.

As mentioned above, FDA considered ammonium acetate as GRAS when used in adhesives and in accordance with § 175.105. This salt was not specifically included in the conclusion of the Select Committee's safety report. Therefore, FDA initiated an intramural safety evaluation of the ingredient, based upon an assessment of data contained in the Select Committee reports on acetic acid, sodium acetate, sodium diacetate, and certain ammonium salts. The agency found no reason to expect frank toxicity due to the ingestion of ammonium acetate as a food ingredient. On the other hand, agency inquiries regarding manufacture or use of the ingredient in food or food packaging failed to produce evidence of current users. In previous proposals, the Commissioner has emphasized that use information (i.e., foods that the substance is added to, levels of addition, intended technical effects, and food-grade specifications) is very important in assessing the safety of food ingredients. Consequently, the Commissioner is proposing to remove ammonium acetate from GRAS status unless evidence of use is submitted as comments on this proposal during the comment period. Alternatively, future consideration may be obtained through the petition procedures (21 CFR 170.35 or 171.1).

The GRAS status of calcium acetate will be addressed in a proposal on calcium salts.

Copies of the scientific literature review on acetic acid and acetates, the mutagenic evaluation of sodium acetate, the teratogenic evaluation of acetic acid, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161 as follows:

Title	Order No.	Price code	Price [1]
Acetic Acid and Acetates (scientific literature review)	PB-234-898/AS	A08	$8.00
Acetic Acid (teratogenic evaluation)	PB-234-869/AS	A03	4.50
Sodium Acetate (mutagenic evaluation)	PB-254-514/AS	A03	4.50
Acetic Acid, Sodium Acetate, Sodium Diacetate (Select Committee report)	PB-274-670/AS	A02	4.00

[1] Price subject to change.

This proposed action does not affect the present use of acetic acid, ammonium acetate, sodium acetate, or sodium diacetate for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))), and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.70 [Amended]

1. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* by deleting the entries for "Acetic acid" and "Sodium acetate."

§ 182.90 [Amended]

2. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting the entry for "Acetic acid."

§§ 182.1005, 182.1721, 182.6754 [Deleted]

3. By deleting § 182.1005 *Acetic acid,* § 182.1721 *Sodium acetate,* and § 182.6754 *Sodium diacetate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. In Part 184, by adding new §§ 184.1005, 184.1721, and 184.1754 to Subpart B to read as follows:

§ 184.1005 Acetic acid.

(a) Acetic acid ($C_2H_4O_2$, CAS Reg. No. 64–19–7) is also known as ethanoic acid. It occurs naturally in plant and animal tissues. The commercial methods of producing acetic acid have shifted in the last hundred years from fermentation to organic synthesis. The principal synthetic methods currently employed are oxidiation of acetaldehyde derived from ethylene, liquid phase oxidation of butane, and reaction of carbon monoxide with methanol derived from natural gas.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as a curing agent as defined in § 170.3(o)(5) of this chapter, flavor enhancer as defined in § 170.3(o)(11) of this chapter, flavoring agent as defined in § 170.3(o)(12) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, and as a solvent and vehicle as defined in § 170.3(o)(27) of this chapter.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.25 percent for baked goods as defined in § 170.3(n)(1) of this chapter and for chewing gum as defined in § 170.3(n)(6) of this chapter; 9.0 percent for condiments and relishes as defined in § 170.3(n)(8) of this chapter; 0.6 percent for dairy product analogs as defined in § 170.3(n)(10) of this chapter and for meat products as defined in § 170.3(n)(29) of this chapter; 0.5 percent for fats and oils as defined in § 170.3(n)(12) of this chapter and 3.0 percent for gravies and sauces as defined in § 170.3(n)(24) of this chapter; and 0.15 percent or less for all other food categories.

§ 184.1721 Sodium acetate.

(a) Sodium acetate ($C_2H_3O_2Na$, CAS Reg. No. 6131–90–4 or 127–09–3) is the sodium salt of acetic acid and occurs naturally in plant and animal tissues. Sodium acetate may occur in either the anhydrous or trihydrated form. It is produced synthetically by the neutralization of acetic acid with sodium carbonate or by treating calcium acetate with sodium sulfate and sodium bicarbonate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as a flavoring agent as defined in § 170.3(o)(12) of this chapter, and pH control agent as defined in § 170.3(o)(23) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.007 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter; 0.5 percent for fats and oils as defined in § 170.3(n)(12) of this chapter; 0.6 percent for grain products and pastas as defined in § 170.3(n)(28) of this chapter and for meat products as defined in § 170.3(n)(23) of this chapter and for snack foods as defined in § 170.3(n)(37) of this chapter; 0.12 percent for jams and jellies as defined in § 170.3(n)(29) of this chapter; 0.2 percent for soft candy as defined in § 170.3(n)(38) of this chapter; and 0.05 percent for soup and soup mixes as defined in § 170.3(n)(40) of this chapter and for sweet sauces as defined in § 170.3(n)(43) of this chapter.

§ 184.1754 Sodium diacetate.

(a) Sodium diacetate ($C_4H_7O_4Na.xH_2O$, CAS Reg. No. 126–96–5) is a molecular compound of acetic acid, sodium acetate, and water of hydration. The technical grade is prepared synthetically be reacting sodium carbonate with acetic acid; special grades are produced by reacting anhydrous sodium acetate and acetic acid.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter, flavoring agent as defined in § 170.3(o)(12) of this chapter, and pH control agent as defined in § 170.3(o)(23) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.4 percent for baked goods as defined in § 170.3(n)(1) of this chapter; 0.1 percent for fats and oils as defined in § 170.3(n)(12) of this chapter, for meat products as defined in § 170.3(n)(29) of this chapter, and for soft candy as defined in § 170.3(n)(38) of this chapter; 0.25 percent for gravies and sauces as defined in § 170.3(n)(24) of this chapter; and 0.05 percent for snack foods as defined in § 170.3(n)(37) of this chapter and for soups and soup mixes as defined in § 170.3(n)(40) of this chapter.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

5. In Part 186, by adding new §§ 186.1005 and 186.1721 to Subpart B to read as follows:

§ 186.1005 Acetic acid

(a) Acetic acid ($C_2H_4O_2$, CAS Reg. No. 64–19–7) is also known as ethanoic acid. It occurs naturally in plant and animal tissues. The commercial methods of producing acetic acid have shifted in the last hundred years from fermentation to organic systhesis. The principal systhetic methods currently employed are oxidation of acetaldehyde derived from ethylene, liquid phase oxidation of butane, and reaction of cargon monoxide with methanol derived from natural gas.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as a constituent of cotton and cotton fabrics used in dry food packaging and paper and paperboard used in food packaging.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

§ 186.1721 Sodium acetate.

(a) Sodium acetate ($C_2H_3O_2Na$, CAS Reg. No. 6131–90–4 or 127–09–3) is the sodium salt of acetic acid and occurs naturally in plant and animal tissues. Sodium acetate may occur in either the anhydrous or trihydrated form. It is produced synthetically by the neutralization of acetic acid with sodium carbonate or by treating calcium acetate with sodium sulfate and sodium bicarbonate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as a constituent of cotton and cotton fabrics used in dry food packaging.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in reponse to this proposal constitutes a waiver of the right to assert or rely on that sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: March 19, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

Note.—Incorporations by reference were approved by the Director of the Office of the Federal Register on July 10, 1973 and are on file at the Federal Register Library.

[Docket No. 78N–0300]

[FR Doc. 79–10109 Filed 4–2–79; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 310, 314, 431]

Adverse Drug Exeriences With Approved New Drugs and Antibiotics Reporting Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to revise the adverse drug experience reporting requirements for marketed drug products for human use to (1) require that adverse drug experience reports for approved new drugs and antibiotics be submitted to a central location within FDA, (2) extend the reporting time period, and (3) revise the types of adverse drug experiences to be reported. This is part of an overall plan to reform the agency's adverse drug experience reporting system by centralizing the data collection and dissemination of adverse drug experience information within FDA, improving the effectiveness of the agency's postmarketing surveillance program, and maintaining a current computer file of significant adverse drug experiences for assessing the risks to a new drug throughout the life of the drug.

DATES: Comments by June 4, 1979. The agency proposes that the final regulation based on this proposal be effective 30 days after its date of publication in the Federal Register.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Watson, Bureau of Drugs (HFD–30), Food and Drugs (HFD–30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3640.

SUPPLEMENTARY INFORMATION: The FDA has determined that a need exists to reform its adverse drug experience reporting system for marketed drug products to make it more responsive to the agency's needs and to minimize the reporting burden on the drug industry.

The need to reform the reporting system is based on problems experienced in three areas of the current system: (1) Quality and utility of reports, e.g., submission of unnecessary reports on "established" reactions (reactions included in the labeling of a drug) and inadequate reports on new reactions, (2) timeliness of submission of reports to FDA, and (3) timeliness of processing and analysis of reports by FDA.

The FDA believes that these problems can be solved for marketed drugs for human use by (1) centralizing the data collection of adverse drug experience information within the agency, (2) establishing a frequency of reporting that will provide a better analysis of trends by time period and improve the accountability of reports received, (3) revising the types of adverse drug experiences that are to be reported to FDA, and (4) maintaining a minicomputer-based system for on-line data entry of significant adverse drug experience data.

Current Requirements

Regulations in § 310.300 (21 CFR 310.300) require the holder of an approved new drug application (NDA) or an abbreviated new drug application (ANDA) to establish and maintain records pertaining to the safety, effectiveness, production controls, and distribution of the drug, and to make reports to FDA that are used in determining whether there are grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) to withdraw approval of the NDA or ANDA. Similarly, regulations in § 431.60 (21 CFR 431.60) require persons engaged in manufacturing, compounding, processing, packing, or labeling any antibiotic drug for which a certificate of release has been issued also to establish and maintain these records and furnish reports to be used

by FDA in determining whether any such certification or release should be rescinded or whether any regulation should be amended or repealed. Reports of adverse experiences with marketed drugs for human use are part of these reporting requirements.

Existing regulations set forth specific time requirements for the submission of the required reports. Information concerning any "unexpected" side effect, injury, toxicity, or sensitivity reaction is to be reported to FDA as soon as possible and in any event within 15 working days of the applicant's receipt of notice of the event. Other adverse drug experiences are to be reported every 3 months during the first year following approval of a drug or initial certification or release of a batch of an antibiotic drug, every 6 months during the second year following such dates, and at yearly intervals thereafter.

The term "unexpected," as used in these regulations, refers to conditions or developments not previously submitted as part of an NDA or request for certification or not encountered during clinical trials of the drug, or conditions or developments occurring at a rate higher than shown by information previously submitted as part of an NDA or request for certification or than encountered during such clinical trials (21 CFR 310.300(b)(2)(i) and 431.60(b)(2)(i)).

Section 310.301 (21 CFR 310.301) requires adverse experiences with drugs which an approval is in effect to be reported on Form FD–1639, Drug Experience Report. For the purpose of this reporting, the terms "drug experience," "adverse drug experience," and "adverse reaction" have been defined in § 310.301(b) as "any adverse experience associated with the use of the drug, whether or not considered drug-related, and include any side effect, injury, toxicity, or sensitivity reaction, or significant failure of expected pharmacological action."

Proposed Requirements

The Commissioner proposes to revise those parts of §§ 310.300, 310.301, and 431.60 that concern the submission of adverse drug experience information on marketed drugs to improve the marketed drug surveillance program by making the following changes in the specific problem areas cited above:

Quality and utility of reports. The agency's goal in monitoring adverse drug reactions is to maintain, throughout the lifetime of a drug, a current data base that contains easily retrievable, accurate data on significant adverse drug experiences. The information so processed would include each adverse drug experience (1) not previously recognized as possibly associated with a drug, no matter how minor, (2) only recently recognized as possibly associated with a drug and not yet determined to be definitely associated, no matter how minor, (3) known to be associated with a drug, but differing in nature, severity, or degree of incidence, and (4) known to be associated with a drug, occurring at a rate not different from that previously encountered, but only if the experience is fatal, life threatening, seriously disabling or debilitating, carcinogenic, teratogenic, or mutagenic. Therefore, only these four types of adverse drug experiences need to be reported on the ongoing basis to achieve this goal. This proposal would amend §§ 310.300, 310.301, and 431.60 as necessary and would add a new § 431.63, to describe the categories of information that are to be reported to FDA. The proposal should eliminate any repetitious reports of routine and minor adverse drug experiences (e.g., nausea, dizziness, drowsiness) when these are included in the labeling of a marketed drug, but would require reports of unusual, serious, or unanticipated reactions.

Timeliness of submission of reports. Adverse drug experience reports submitted under the current 15-day time requirement are frequently incomplete and therefore require followup reports. In addition, applications do not always identify the initial submission with which a followup report belongs. Often followup reports are identified as initial reports, thus providing inaccurate accounting of the number of adverse reaction reports. The agency believes that extending the deadline for submission of information from 15 to 30 days would generally allow sufficient time for applicants to submit complete information initially, thereby reducing the number and duplication of followup reports. Fewer but more complete submissions would help to improve the overall effectiveness of the agency's adverse reaction reporting system, provide for a more accurate accountability of the adverse reaction reports in FDA's data base, and reduce the number of documents that drug firms must submit and that FDA must review and evaluate. The Commissioner therefore proposes to require the submission of adverse drug experience reports within 30 working days of receipt by an applicant.

Timeliness of processing and analysis of reports by FDA. In addition to requiring submission of reports of adverse experiences under §§ 310.300 and 431.60, FDA receives reports of adverse experiences with marketed drugs on a voluntary basis from physicians, allied health professionals, and private and Federal hospitals, from articles published in medical literature, and from access to adverse reaction information compiled through the World Health Organization International Drug Monitoring Research Centre. The FDA has also supported and received adverse drug reaction data from intensive monitoring programs and special studies.

The various reports of adverse experiences with marketed drugs are initially received by different organizational units within FDA. These reports are forwarded, however, to the Division of Drug Experience (DDE), Bureau of Drugs, which is the organizational unit within FDA responsible for administering the agency's adverse drug reaction reporting system. The responsibilities of DDE include review and evaluation of adverse drug reaction reports received by FDA and dissemination of this information to the appropriate organizational units within the agency. The current operating procedures within the Bureau of Drugs often result in DDE's not receiving certain reports of adverse drug experiences on a timely basis. To provide for a more efficient manner of processing these reports, the Commissioner proposes to revise Parts 310 and 431 to require that reports of adverse drug experiences for approved new drugs and antibiotics be submitted directly to the DDE. Proposed §§ 310.301(c) and 431.63(c) establish this requirement for holders of approved NDA's and manufacturers of certified antibiotic drugs, respectively.

Although these proposed requirements are applicable to holders of approved NDA's and manufacturers of certified antibiotic drugs, FDA requests those who voluntarily submit adverse drug experience information on marketed drugs to the agency (e.g., physicians and hospitals) to comply voluntarily with these requirements, i.e., type of adverse experiences to be reported, the time period for reporting, and the office to which these reports are to be directed.

All persons are encouraged to alert FDA as soon as possible after receiving the information, to any serious adverse drug experiences, death, or life-threatening problems that may reasonably be regarded as caused by or associated with a drug. This alert, which may be by telephone or telegraph, would be in addition to the subsequent submission of a Form FD–1639 to FDA.

The agency intends to continue the requirements that adverse experiences with a drug be submitted to FDA in duplicate on Form FD–1639 but now proposes to require that attachments to this form, e.g., individual patient case reports, also be submitted in duplicate. The agency further intends to continue the provision that the names and addresses of individual patients are not required on Form FD–1639 or attachments unless FDA requires the identification with respect to designated reports to permit further investigations or because there is reason to believe that certain reports do not represent actual results obtained. However, §§ 310.301(c) and 431.63(c) propose that all reports contain a numerical designation, e.g., hospital number or case history number, to identify each specific report and thus avoid duplication of reports and facilitate followup of reports.

Current regulations (21 CFR 310.301) permit the submission of a computer-generated report instead of a Form FD–1639, as long as (1) the report is equivalent in all elements of information with the identical enumerated sequence of events and methods of completion as a Form FD–1639 and (2) its format has prior FDA review and approval. The proposed regulation also permits this. In addition, like the current regulations, the proposed requirements permit adverse drug experience reports contained in the published literature to be provided to FDA as a photocopy or reprint. A photocopy or reprint, however, is not required for reports in designated journals listed in § 310.9 (21 CFR 310.9); a bibliography is sufficient. The agency is currently considering a revision to § 310.9 to update the list of designated journals. Any such revision will be published in the **Federal Register.**

Reports Regarding Investigational Drugs

FDA plans to rewrite the investigational new drug (IND) and NDA regulations comprehensively in the near future. A limited revision now incorporating these proposed requirements into the IND and NDA regulations (21 CFR 312.1 and 314.1) to achieve the agency objective is not justifiable. Therefore, the regulations on submission of reports of adverse drug experience before approval of an NDA or before certification of an antibiotic drug would not be affected by the changes proposed in this document. However, sponsors and applicants are requested to comply voluntarily to the extent possible with the agency's goal set forth in this document. For example, sponsors could submit adverse experience reports, other than those suggesting "significant" hazards, to FDA within 30 working days of receipt.

No other information required to be reported under §§ 310.300 and 431.60 would be affected by these proposed changes.

The Food and Drug Administration has determined that this document does not contain an agency action covered by § 25.1(b) (21 CFR 25.1(b)) and, therefore, consideration by the agency of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 701(a), 52 Stat. 1052–1053 as amended, 1055, 59 Stat. 463 as amended (21 U.S.C. 355, 357, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 310, 314, and 431 be amended as follows:

PART 310—NEW DRUGS

1. In Part 310:

a. Section 310.300 is amended by revising the introductory text of paragraph (b), by deleting and reserving paragraph (b)(2), and by revising the introductory text of paragraph (b)(4) to read as follows:

§ 310.300 Records and reports concerning experience on drugs for which an approval is in effect.

* * * * *

(b) The applicant shall submit to the Food and Drug Administration copies of the records and reports described in paragraph (a) of this section (except routine assay and control records) appropriately identified with the new drug application(s) to which they relate, as follows. Such copies shall be submitted in duplicate, except that individual patient case reports, other than those submitted under § 310.301, may be submitted in single copy. Each report for human-use drugs that forwards an advertisement or promotional labeling pursuant to paragraph (b)(3) of this section or a periodic report pursuant to paragraph (b)(4) of this section shall be accompanied by a completed transmittal Form FD–2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) or FD–2252 (Transmittal of Periodic Reports for Drugs for Human Use), respectively. Forms are obtainable from the Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857. Adverse experiences with drugs for human use are to be reported as specifed in § 310.301.

* * * * *

(2) [Reserved]

* * * * *

(4) All the kinds of information described in paragraph (a) of this section, other than that submitted under the provisions of paragraph (b)(1) and (3) of this section and § 310.301, shall be submitted at the following intervals, unless otherwise ordered in a written comunication from the Commissioner:

* * * * *

b. Section 310.301 is revised to read as follows:

§ 310.301 Reporting of adverse drug experiences.

(a) *Definitions.* As used in this section:

(1) The terms "drug experience." "adverse drug experience," and "adverse reaction" mean any adverse experience associated with the use of drug, whether or not considered drug related, and included any side effect, injury, toxicity, or sensitivity reaction, or significant failure of expected pharmacological action.

(2) The term "applicant" has the meaning given it in § 310.300(g).

(b) *Reporting form.* (1) Except as provided in paragraph (b)(2) and (3) of this section, all adverse experiences with drugs for human use reported as part of a new drug application under § 314.1 of this chapter, or as part of a supplemental application under § 314.8 of this chapter, or as part of the reporting requirements concerning experiences with drugs for which an approval is in effect prescribed by this section, are to be reported on Form FD–1639, Drug Experience Report, in duplicate (including patient case reports or other attachments). Form FD–1639 is obtainable with instruction from the Division of Drug Experience, Bureau of Drugs (HFD–210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. If it is feasible, these forms should be used on an individual patient basis, rather than on an adverse experience basis.

(2) Instead of a Form FD–1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion and if forwarded with the same number of copies; all formats proposed for this use require prior review and approval by the Division of Drug Experience, Bureau of Drugs (HFD–210), Food and Drug Administration.

(3) Form FD–1639 need not be—

(i) Used in reporting adverse experience information obtained in phase 1 and phase 2 of an investigation (phases 1 and 2 are described in paragraph 10a of Form FD–1571 set forth in § 312.1(a)(2) of this chapter); or

(ii) Submitted for adverse reactions reported in the published scientific literature. These reports are to be submitted as a photocopy or reprint, except that a bibliography suffices for reports in the designated journals listed in § 310.9 of this chapter.

(c) *Reporting requirements.* (1) All adverse experiences with drugs for human use reported as part of a new drug application before approval are to be in accordance with the provisions of § 314.1 of this chapter.

(2) Each applicant having an approved new drug application shall submit to the Division of Drug Experience, Bureau of Drugs (HFD–210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, within 30 working days of its receipt, a report of information about the following types of adverse drug experiences:

(i) One not previously recognized as possibly associate with the drug;

(ii) One only recently recognized as possibly associated with the drug, but not yet determined to be definitely associated with drug;

(iii) One known to be associated with the drug, but differing in nature, severity, or degree of incidence; or

(iv) One known to be associated with the drug, occuring at a rate not different from that previously encountered, if the experience is fatal, life threatening, or seriously disabling or debilitating to the patient, or carcinogenic, teratogenic, or mutagenic.

(3) The reports submitted under the provisions of this section are not required to contain the names and addresses of individual patients, unless the applicant is notified in writing by the Food and Drug Administration that individual patient identification is required with respect to designated reports to permit further investigations or because there is reason to believe that the reports do not represent actual results obtained. The reports are to contain a numerical designation, e.g., hospital number or case history number, to identify each specific report.

(4) If the Food and Drug Administration finds that the applicant has repeatedly or deliberately failed to make required reports in acordance with the provisions of this section, the Commissioner shall give the applicant due notice and opportunity for a hearing on the question of whether to withdraw the approval of the application, as provided by §§ 314.115 and 314.200 of this chapter.

PART 314—NEW DRUG APPLICATIONS

2. Section 314.8 is amended by revising paragraph (a)(1) to read as follows:

§ 314.8 Supplemental applications.

(a)(1) After an application is approved, a supplemental application may propose changes. A supplemental application may omit statements made in the approved application concerning which no change is proposed. Each supplemental application shall include up-to-date reports of any of the kinds of information required by § 310.300(a) of this chapter that has not previously been submitted as part of the application, including such submission under the records and reports requirements of § 310.300 of this chapter or § 310.302 of this chapter. Reports of adverse experiences with a drug are to be submitted in accordance with § 310.301 of this chapter. A supplemental application proposing substantial changes that may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 25.1 of this chapter.

* * * * *

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

3. In Part 431:

a. Section 431.51 is amended by revising paragraph (d) to read as follows:

§ 431.51 Suspension of certification service.

* * * * *

(d) Failed to establish a system for maintaining the records required by § 431.60 or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with the provisions of that section or § 431.63, or has refused to permit access to, or copying or verification of, such records or reports; or

* * * * *

b. Section 431.60 is amended by adding a new sentence at the end of the introductory text of paragraph (b), by deleting and reserving paragraph (b)(2), and by revising the introductory text of paragraph (b)(4) to read as follows:

§ 431.60 Records and reports concerning experience with antibiotic drugs for human use for which a certificate or release has been issued.

* * * * *

(b) * * * Adverse experiences with antibiotic drugs for human use are to be reported as specified in § 431.63 of this chapter.

* * * * *

(2) [Reserved]

* * * * *

(4) All kinds of information described in paragraph (a) of this section, except that submitted under the provisions of paragraph (b)(1) and (3) of this section and § 431.63, shall be submitted at the following intervals, unless otherwise ordered in a written communication from the Commissioner:

* * * * *

c. By adding new § 431.63 to read as follows:

§ 431.63 Reporting of adverse drug experiences.

(a) *Definitions.* The terms "drug experience," "adverse drug experience," and "adverse reaction" mean any adverse experience associated with the use of a drug, whether or not considered drug related, and include any side effect, injury, toxicity, or sensitivity reaction, or significant failure of expected pharmacological action.

(b) *Reporting form.* (1) Except as provided in paragraph (b)(2) and (3) of this section, all adverse experiences with antibiotic drugs for human use reported as part of the reporting requirements concerning experiences with drugs for which a certificate or release has been issued prescribed by this section, are to be reported on Form FD–1639, Drug Experience Report, in duplicate (including patient case reports or other attachments). Form FD–1639 is obtainable with instructions from the Division of Drug Experience, Bureau of Drugs (HFD–210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. If it is feasible, these forms should be used on an individual patient basis, rather than on an adverse experience basis.

(2) Instead of a Form FD–1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion and if forwarded with the same number of copies; all formats proposed for this use will require prior review and approval by the Division of Drug Experience, Bureau of Drugs (HFD–210), Food and Drug Administration.

(3) Form FD–1639 need not be—

(i) Used in reporting adverse experience information obtained in phase 1 and phase 2 of an investigation (phases 1 and 2 are described in

paragraph 10a of Form FD–1571 set forth in § 312.1(a)(2) of this chapter); or

(ii) Submitted for adverse reactions reported in the published scientific literature. These reports are to be submitted as a photocopy or reprint, except that a bibliography suffices for reports in those designated journals listed in § 310.9 of this chapter.

(c) *Reporting requirements.* (1) Each person engaged in manufacturing, compounding, processing, packing, or labeling any antibiotic drug for which a certificate or release has been issued or whose name appears on the labeling of an antibiotic drug as its manufacturer, packer, or distributor under a certificate or release shall submit to the Division of Drug Experience, Bureau of Drugs (HFD–210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, within 30 working days of its receipt, a report of information about the following types of adverse drug experiences:

(i) One not previously recognized as possibly associated with the drug;

(ii) One only recently recognized as possibly associated with the drug but not yet determined to be definitely associated with drug;

(iii) One known to be associated with the drug, but differing in nature, severity, or degree of incidence; or

(iv) One known to be associated with the drug, occurring at a rate not different from that previously encountered, if the experience is fatal, life threatening, or seriously disabling or debilitating to the patient, or carcinogenic, teratogenic, or mutagenic.

(2) The reports submitted under the provisions of this section are not required to contain the names and addresses of individual patients, unless the person referred to in paragraph (c)(1) of this section is notified in writing by the Food and Drug Administration that individual patient identification is required with respect to designated reports to permit further investigation or because there is reason to believe that the reports do not represent actual results obtained. The reports are to contain a numerical designation, e.g., hospital number or case history number, to identify each specific report.

(3) If the Food and Drug Administration finds that a person obtaining a certificate or release has failed to make required reports in accordance with the provisions of this section, the Commissioner shall give that person due notice and opportunity for a hearing on the question of whether to rescind a certificate or release.

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 27, 1979.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[Docket No. 79N–0021]

[FR Doc. 79–9843 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 510]

Records and Reports on New Animal Drugs and Antibiotics That Were Approved Before June 10, 1963

AGENCY: Food and Drug Administration.

ACTION: Extension of Time for Comments.

SUMMARY: The agency extends to May 11, 1979 the time for submitting comments on a proposal to require periodic reporting of drug experience for new animal drugs, including antibiotics and medicated feed premixes bearing or containing new animal drugs approved before June 20, 1963. The Animal Health Institute requested an extension of allow more time to prepare substantive comments on important issues in the proposal.

DATE: Comments by May 11, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV–216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 9, 1979 (44 FR 1983), the Food and Drug Administration issued a proposal to revise § 510.310 of the new animal drug regulations (21 CFR 510.310) to require an initial report and subsequent periodic repors of drug experience for new animal drugs, including antibiotics and medicated feed premixes bearing or containing new animal drugs which were approved before June 20, 1963. The proposed revision to the section would provide a basis to require appropriate revisions for use of the products or to revoke the authority for their use when necessary and to facilitate a determination that the new animal drugs subject to the proposed regulation are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act. The proposal provided that comments be submitted by March 12, 1979.

The Animal Health Institute, 1717 K St. NW., Washington, DC 20006, which is a national trade association representing manufacturers of animal health and nutrition products, has requested an extension of the comment period from March 12, 1979 to May 11, 1979. They requested this extension in order to prepare substantive comments on important issues in the matter.

The agency concludes that under the circumstances and because of the complexity of the issues involved, an extension of time for submitting comments to May 11, 1979 is justified. Therefore, the period of time for submissions is extended to May 11, 1979.

A copy of the extension request is on file with the Hearing Clerk (address given above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: March 26, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78–0206]

[FR Doc. 79–9842 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 808]

Proposed Regulation on State of California's Application for Exemption From Federal Preemption of State Medical Device Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The agency is reproposing a rule responding to the State of California's application for exemption from Federal preemption of State medical device requirements. Several comments objected that the original proposal did not distinguish between those requirements of California law that were not preempted and those which, although preempted, the agency proposed to exempt from preemption. The comments argued that, because of the uncertainty surrounding the provisions, it was not possible for interested persons to submit meaningful comments. The agency agrees with these comments and is issuing this reproposal. All comments received on the original proposal remain part of the record for this reproposal. Elsewhere in this issue of the **Federal Register**, the agency gives notice of an opportunity for interested persons to request an oral hearing on this proposal.

DATES: Comments by June 4, 1979; proposed effective date of the final regulation based on this proposal is 60 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Bureau of Medical Devices (HFK–70), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 15, 1977 (42 FR 9186), FDA proposed a rule on the California Department of Health's application for exemption from Federal preemption for certain California State medical device laws and regulations. A public hearing on the proposal was announced in the **Federal Register** of May 20, 1977 (42 FR 25919) and held on July 19, 1977. In the **Federal Register** of August 16, 1977 (42 FR 41301), the agency extended the time for comments on matters raised at the hearing to August 31, 1977.

In a related action, on June 14, 1977 (42 FR 30383; corrected July 5, 1977 (42 FR 34326)), FDA proposed procedures for considering applications for exemption from preemption under section 521 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360k). Most of the comments on both the proposed procedural regulation and the proposed regulation on the California application objected to the agency's interpretation of section 521 of the act. FDA reviewed these comments and, in the preamble to the final procedural regulation published in the **Federal Register** of May 2, 1978 (43 FR 18661), issued the following interpretations of the scope of section 521, which are relevant to California's application for exemption from preemption:

a. Section 521(a) of the act preempts State and local requirements only when FDA has established specific counterpart regulations or when other specific requirements apply to a particular device under the act.

b. Section 521(a) of the act does not preempt State or local requirements that are equal to, or substantially identical to, requirements imposed by or under the act. A State or local requirement is substantially identical to a Federal requirement if it does not significantly differ in effect from the Federal requirement, as both are interpreted and applied.

c. Generally, section 521(a) does not preempt a State or local requirement prohibiting the manufacture of adulterated or misbranded devices. Such prohibited acts apply to individuals, rather than to devices. However, when the State requirement has the effect of establishing a substantive requirement for a specific device, then the requirement is preempted if its is different from, or in addition to, a Federal requirement established under the act.

d. Section 521(a) preempts State and local premarket approval requirements for a particular device that are different from or in addition to specific counterpart regulations established by FDA for the device or other specific requirements applicable to the device under the act.

General

1. Several comments objected that proposed § 808.55 stated only that the California requirements listed either are not preempted or are exempted from preemption. The comments pointed out that the proposal did not explain why these sections were not preempted or why the agency was proposing to exempt them from preemption. The comments stated that this approach made it impossible to comment intelligently on the proposed regulation.

FDA agrees that the original proposed regulation and its preamble were not sufficiently specific with respect to the preemptive status of certain California requirements. These requirements are listed below along with a statement as to their preemptive status. The requirements that are not preempted remain enforceable by California. Because it is not necessary to include in the regulation requirements that are not preempted, this reproposal does not list such requirements.

The following is a discussion of the specific California requirements for which California submitted an application for exemption from preemption:

(a) *California Sherman Food, Drug and Cosmetic Law (Division 21 of the California Health and Safety Code)*—(1) *Chapter 4 of Division 21.* This chapter contains general provisons of misbranding with respect to the packaging, labeling, and advertising of foods, drugs, devices, and cosmetics. The provisions are applicable not to the device itself, but to manufacturers, packers, and distributors of medical devices. Therefore, the provisions of this chapter are not preempted because they are not requirements with respect to a device within the meaning of section 521 of the act.

California has applied separately for exemption from preemption for section 26463(m), which is included in Chapter 4. This provision prohibits the advertising of any device represented to have any effect on diseases or disorders of the ear. Some comments have argued that this provision, as applied by California, is a requirement with respect to a device (hearing aids) and is different from or in addition to Federal requirements applicable to hearing aids. The status of the application for exemption from preemption for this provision is the subject of another proposed regulation published in the **Federal Register** of July 28, 1978 (43 FR 33180). A final regulation relating to section 26463(m) will be published in the **Federal Register** in the near future.

(2) *Chapter 6 of Division 21.* This chapter contains general provisions with respect to drugs and devices. Articles 2 and 3 of Chapter 6 contain provisions on the adulteration and misbranding of drugs and devices. Several comments on both the procedural regulation on applications for exemption from preemption and on the proposed regulation on the California application objected to the agency's conclusion that State and local requirements governing the adulteration and misbranding of devices are not preempted because they are not "requirements with respect to a device." FDA responded to this objection in the preamble to the May 2, 1978 final regulation on procedures for consideration of applications for exemption from preemption at 43 FR 18663:

In order for a State provision to be a requirement with respect to a device within the meaning of section 521 of the act—and thereby a candidate for preemption—it must relate to the device itself.

Similarly, a State statute prohibiting the sale of an adulterated or misbranded device is not a "requirement with respect to a device" because it applies to the person who would sell the device—and thereby cause the violation—and not to the device itself. Thus, as a general proposition, State prohibitions against the sale of adulterated or misbranded devices are not preempted. Where, however, the State establishes a particular substantive provision defining what constitutes adulteration or misbranding, e.g., a specific type of labeling, this would be a "requirement" within the meaning of section 521 of the act because it relates directly to a device. If such a provision were "different from" or "in addition to" an FDA requirement, it would be preempted. Section 808.1(d)(6) is changed to clarify this position. In determining whether the provision is "different from" or "in addition to" an FDA requirement (that is, in determining whether it is "substantially identical"), the key factor is how the statute is actually applied by the State or local government. Thus, if such a State or local provision, as it is drafted, is "substantially identical" to the adulteration or misbranding provisions of sections 501 and 502 of the act (21 U.S.C. 351 and 352), but is interpreted or applied to a specific device in such a way as to make it "different from" or "in addition to" the FDA requirements, that interpretation or application would be preempted.

It is the agency's position that only general prohibitions of adulteration and misbranding, such as those in section 301(a) and (b) of the act, are not preempted. Specific State and local definitions of adulteration and misbranding, such as those in sections 501 and 502 of the act, are preempted if they are different from or in addition to the Federal requirements.

The following is a list of sections in Articles 2 and 3 that are not preempted because they are substantially identical to requirements under the Federal act. The sections of the Federal act or other Federal requirements to which the California requirements are substantially identical are indicated in parentheses: 26610, 26611 and 26613 (501(a)); 26612 (501(h)); 26617 (501(c)); 26630 (502(a)); 26632 (502(b)); 26633 (502(c)); 26638 (502(f)); 26643 (502(j)); 26649 (502(o)); 26654 (801(d)); and, 26660 through 26664 (21 CFR 801.109).

Sections 26619 through 26623 and 26650 through 26653 are not preempted because they are general prohibitions of adulteration and misbranding that are not requirements with respect to a device, in that they apply not to the device itself, but to persons who distribute devices.

Sections 26207, 26607, 26614, and 26615 establish California's requirements concerning the use of color additives in and on drugs and devices. In section 26207, California adopts the Federal regulations for color additives, while retaining the authority to adopt additional regulations. Section 26603 provides that a color additive will be considered unsafe for use with respect to a drug or device unless there is in effect for the device a regulation under section 26207. Section 26614 provides that a drug or device is adulterated if it bears or contains, for the sole purpose of coloring, a color additive which is unsafe within the meaning of section 26603. Section 26615 provides that a drug or device is adulterated if it is a color additive and is unsafe within the meaning of section 26603.

The California requirements are different from the Federal requirements in one respect. Section 706(a) of the act provides that the color additive requirements apply to a color additive for use in or on a device only if the color additive comes in direct contact with the body of man or other animals for a significant period of time. The California requirements do not contain such a limitation. Therefore, the California requirements are more stringent than the Federal requirements. There is no evidence that the California requirements create any undue burden on interstate commerce and, because they provide greater protection to the public health, the agency proposes to exempt sections 26207, 26603, 26614, and 26615 from preemption. Section 26618 provides that a drug or device is adulterated if any substance has been mixed or packed with it so as to reduce its quality or strength or if any substance has been substituted, wholly or in part, for the drug or device. Section 501(d) of the act applies similar language to drugs only; there is no comparable requirement for devices. Therefore, the California requirement is in addition to the Federal requirement and is preempted to the extent that it applies to devices. However, because the California requirement provides additional protection to the public health, and does not place a significant burden on interstate commerce, the agency proposes to exempt section 26618 from preemption.

Section 26631 provides that a drug or device is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 of Division 21. As stated earlier, generally the requirements of chapter 4 are not preempted because they are not requirements with respect to a device. However, section 26631 is a requirement with respect to a device because its effect is to establish a requirement that is in addition to requirements under the Federal act. Therefore, section 26631 is preempted to the extent that it applies to devices. However, because it provides additional protection to the public health without creating any apparent undue burden on interstate commerce, FDA proposes to exempt section 26631 from preemption.

Section 26640 provides that a drug or device that is liable to deterioration is misbranded unless it is packaged and labeled in accordance with regulations promulgated by the Department of Health. Section 502(h) of the Federal act contains a similar provision that is applicable to drugs only. Therefore, section 26640 is in addition to the Fedreal requirements and is preempted. However, because section 26640 provides additional protection to the public health, without creating any apparent undue burden on interstate commerce, the agency is proposing to exempt it from preemption.

Section 26641 provides that a drug or device is misbranded if its container is so made, formed, or filled as to be misleading. Section 502(i) of the Federal act contains a similar provision that is applicable only to drugs and, therefore, seciton 26641 is preempted to the extent that it applies to devices because it is in addition to the requirements under the Federal act. However, section 26641 provides additional protection to the public health without creating any apparent undue burden on interstate commerce. Therefore, the agency is proposing to exempt section 26641 from preemption.

(b) *California Administrative Code, Article 2—Drugs and Devices Regulations under Title 17.* These regulations set forth State policies and requirements for medical device labeling, license fees, misbranding, exemptions for prescription devices, exemptions for investigational new devices, applications for preclearance, and requirements for products used to diagnose cancer.

Section 10376 provides for a license fee for drug and device manufacturers. Requirements for licensing fees are not preempted by the Federal law because they are not requirements with respect to a device.

Sections 10380, 10385, and 10390 are general requirements for labeling of medical devices. These regulations are not preempted because they are substantially identical to the requirements of Subparts A and C of 21 CFR Part 801.

Section 10405 sets forth exemptions from the requirement of including adequate directions for use on the labeling of a device. The requirements of this section are substantially identical to the requirements in Subpart D of 21 CFR Part 801. Therefore, this section is not preempted.

Section 10410 exempts prescription devices from the requirement of adequate directions for use. The requirements of this section are substantially identical to the requirements of 21 CFR 801.109 and, therefore, this section is not preempted.

Sections 10400.2 and 10400.6 state that the Bolen Test and the Anthrone Test, respectively, are of no value in diagnosing cancer. The State has recommended that the public refrain from using the Bolen Test or tests applying similar principles. The State also has prohibited use of the Anthrone Test for the diagnosis of cancer.

The Commissioner has not promulgated Federal requirements applicable to any specific products that might be affected by these two California regulations. Therefore, these provisions are not preempted by section 521(a) of the act.

(c) *Sections 1700 through 1721, Division 2, Chapter 7 of the Health and Safety Code.* These requirements provide for disseminating full and accurate information to the citizens of California about the facilities and methods that are available for the diagnosis, treatment, and cure of cancer; the testing and investigation of the value of alleged cancer remedies, devices, drugs, or compounds; the findings about these products; and provisions to protect the public from misrepresentation in such matters.

Generally, these requirements apply not to devices, but rather to persons who might violate the sections and therefore are not requirements with respect to a device. Consequently, sections 1700 through 1721 are not preempted.

Sections 1707.1 through 1707.5 provide requirements for premarket approval of devices to be used in the diagnosis, treatment, alleviation or cure of cancer. These provisions are not preempted at this time for the same reasons applicable to the general premarket approval requirements discussed below. Similarly, section 1708, which provides for an exemption from the premarket approval requirements for investigational use of such devices is not preempted at this time for the same reasons applicable to California's general requirements for investigational use of devices discussed below.

2. Several comments objected that the reasons the agency gave in the original proposal for granting exemptions from preemption were not sufficient. Some of the comments stated that FDA should consider the effects on interstate commerce in granting an exemption. Other comments suggested that FDA should set a time limit on the exemptions and should then review them at a later date when the Medical Device Amendments of 1976 have been more fully implemented.

As stated in the final regulations on procedures for consideration of applications for exemption from preemption, in ruling on an application for exemption, the agency will consider both the effects on interstate commerce and public health benefits. Where appropriate, FDA may place conditions, including time limits, on exemptions from preemption. FDA may also review exemptions previously granted.

3. One comment suggested that California should regulate only devices sold or offered for sale in California, and that devices manufactured in California, for sale outside of California, should be subject to Federal regulation only.

The authority of California to regulate devices intended for sale only in interstate commerce, i.e., not within California, is beyond the scope of section 521 and this regulation. If a State requirement not preempted by section 521 of the act creates an undue burden on interstate commerce, it very well may be preempted under article VI of the Constitution. FDA's authority in the area of preemption is limited to the application of section 521 of the act. General questions relating to preemption are to be decided by the courts, not by FDA.

4. One comment stated that the proposed regulation would place the manufacturer in "double jeopardy" because the manufacturer could meet FDA requirements and still be in violation of the California law. The comment argued that the Medical Device Amendments of 1976 provide adequate protection for the citizens of California.

It is true that the situation described in the comment could occur. Yet, in enacting section 521 of the act, Congress clearly intended to permit States to enforce different or additional requirements relating to medical devices when the State requirement either is not preempted, or if preempted, is exempted from preemption. In fact, Congress cited the California Sherman Food, Drug and Cosmetic Law as an example of a State law that could qualify for exemption from preemption (H. Rep. No. 94–853, p. 45).

5. Section 26605 (Performance standards), added by Assembly Bill 1344, which was enacted into law in California on September 22, 1977, became effective January 1, 1978. Thus, section 26605 became effective after the original proposal on California's application for exemption from preemption had been published in the **Federal Register** and the oral hearing had been held. Although the State of California has not applied for exemption from preemption for this section, questions have been raised concerning the application of section 521 to section 26605 and other sections of Assembly Bill 1344 dealing with premarket approval and investigational use of devices. Because these questions relate to the scope of section 521 of the act, they will be addressed briefly in this document.

Section 26605 authorizes the State Department of Health to establish performance standards for devices. The section also provides that any performance standard established under sections 514 or 521 (sic) of the Federal act (21 U.S.C. 360d, 360k) shall also be a performance standard under California law.

Section 26605 does not establish any requirements for specific devices and, therefore, is not preempted. For a device classified by FDA into Class II, one part of the FDA requirement—that the product is not subject to premarket approval—is established on the date of final classification; the other part of the FDA requirement will be established when an FDA standard is promulgated for the product. Therefore, a performance standard established for a device under section 26605 will be preempted if FDA has classified the device in class I or class III, because the California performance standard would be a requirement in addition to the Federal requirement. For a device which FDA has classified in class II but for which FDA has not yet developed a performance standard, a performance standard established under section 26605 will not be preempted. However, if FDA later develops a performance standard for the device, the California performance standard will be preempted on the effective date of the FDA performance standard to the extent that it contains provisions different from or in addition to those of the FDA performance standard.

6. Section 26670 (Premarket approval) was amended by Assembly Bill 1344. Several comments objected to the proposed granting of an exemption from

preemption to California's premarket approval requirement. The comments argued that, if California were permitted to require premarket approval for a device, each of the 50 States could require separate premarket approval for the device.

Section 26670 requires that a "new device" be approved by the State Department of Health before it can be sold, delivered, or given away. California has not applied for exemption from preemption for the amended section. Section 26020 defines a "new device" as a device whose safety and effectiveness are not generally recognized by qualified experts. Section 26670 provides further that a device that satisfies the requirements of section 515 of the Federal act (21 U.S.C. 360e) also satisfies the California requirement.

By itself, section 26670 does not establish requirements for a specific device and, therefore, is not preempted. If a premarket approval requirement is established under this section, it will be preempted to the extent that it is different from or in addition to a counterpart requirement established under the Federal act for the device. Like all other medical device requirements, different or additional State and local premarket approval requirements are preempted when FDA establishes specific counterpart regulations or when there are other specific requirements applicable to the device under the act. For a device classified in class III under sections 513(f) and 520(l) of the act (21 U.S.C. 360c(f) and 360j(l)), the counterpart FDA requirement—the requirement that the product have premarket approval—was established by operation of the act immediately upon enactment of the Amendments on May 28, 1976. For a device in commerical distribution before the date the Amendments were enacted (or a substantially equivalent device) that is classified in class I under section 513(d) of the act (21 U.S.C. 360c(d)), the FDA requirement—in this instance, a determination that the product is not subject to premarket approval or a performance standard—is established on the date of final classification of the device. The agency believes that no change in the final regulation is necessary to reflect this position.

Therefore, the issue of whether a premarket approval requirement is preempted must be determined when the California requirement is applied to a specific device. FDA will be able to determine at that time whether an exemption would create an undue burden on interstate commerce.

7. Sections 26678, 26679, and 26680 (Investigational devices), also added by Assembly Bill 1344, exempt investigational devices from the premarket approval requirements. Section 26678 provides that the premarket approval requirements do not apply to investigations conducted under section 520(g) of the Federal act.

Sections 26678, 26679, and 266680 do not, by themselves, establish requirements applicable to specific devices and, therefore, are not preempted. When a requirement applicable to a specific device is established under one of these sections, it will be preempted to the extent that it is different from or in addition to any requirement applicable to the devise under the Federal act.

Business and Professions Code

8. Section 2541.3 authorizes the State Department of Health, the State Board of Optometry, and the Board of Medical Examiners to adopt standards and promulgate regulations relating to prescription ophthalmic devices. The section also requires the department and boards to adopt standards Z80.1 and Z80.2 of the American National Standards Institute (ANSI) relating to prescription ophthalmic devices. Section 2541.3 was amended by California Senate Bill No. 710, which was effective on July 1, 1978. As amended, section 2541.3 requires the department and the boards to adopt all current ANSI standards regarding ophthalimc materials. Because Z80.1 and Z80.2 are the current ANSI standards, the amendment will not affect California's adoption of these standards at this time.

In the preamble to the original proposal on California's application, the agency stated that ANSI standards Z80.1 and Z80.2 contain provisions different from and in addition to the FDA regulations for use of impact resistant lenses in eyeglasses and sunglasses, as provided in § 801.410 (21 CFR 801.410). However, FDA at that time proposed to exempt these standards from preemption because they are more stringent than the FDA requirements.

In response to this proposal, manufacturers of lenses argued that the cost of complying with the Z80.1 and Z80.2 standards would be prohibitive. The manufacturers said that they would have three choices: To manufacture lenses separately for distribution in California only, in which case the cost of lenses would be much higher in California than in the rest of the country; to manufacture all lenses to meet the Z80.1 and Z80.2 standards, in which case the cost of lenses all over the country would increase considerably; or, to refuse to sell lenses in California. In any case, the manufacturers argued, compliance with these requirements is a burden on interstate commerce. Comments also noted that the portions of the Z80.1 and Z80.2 standards that go beyond the requirements of § 801.410 are basically cosmetic in nature and provide few health benefits.

Also, one comment included a copy of "Optical Illusion: A Consumer View of Eye Care," a study by Consumer Action, San Francisco, which concludes that " 'Z80 standards' currently in use, are unrealistically precise, based upon craft rather than consumer considerations, and are likely only to add to cost without providing benefit" (p. 165).

Upon reconsideration, FDA has determined not to grant an exemption from preemption for the Z80.1 and Z80.2 standards. This determination is in accordance with § 808.25(g)(3) of the preemption regulations (21 CFR 808.25(g)(3)), which provides that FDA may not grant an exemption if, taking into account the potential burden on interstate commerce, it is determined that granting the exemption would not be in the best interest of the public health. Even though the provisions are more stringent, because of the possible additional burdens on interstate commerce, an exemption from preemption is not justified.

Moreover, the agency believes that the increased cost resulting from the need to remake lenses to comply with the Z80.1 and Z80.2 standards will reduce the availability of quality lenses to those who cannot afford the higher cost. Therefore, FDA is proposing to deny exemption from preemption for section 2541.3 to the extent that it requires the adoption of ANSI standards Z80.1 and Z80.2. However, the agency notes that neither the present section 2541.3, nor the amended section which became effective on July 1, 1978, is otherwise preempted because neither establishes specific requirements for specific devices. A requirement established under section 2541.3 for a specific device will be preempted to the extent that it is different from or in addition to a Federal requirement applicable to the device.

9. Section 2541.6 provides that State funds may not be used to purchase a prescription ophthalmic device which does not meet the standards established under section 2541.3. Section 808.1(d)(4) and (5) of the preemption procedural regulations (21 CFR 808.1(d)(4) and (5)) states that section 521(a) of the Federal act does not preempt specifications of

contracts entered into by States for procurement of devices or criteria for payment of State obligations under health care programs. Therefore, section 2541.6 is not preempted. Thus, although California may not require the State Department of Health, the State Board of Optometry, or the Board of Medical Examiners to adopt ANSI standards Z80.1 and Z80.2 and thereby restrict the type of lenses that may be sold commercially, the State may impose that requirement as a condition in any contract it may enter into for the purchase of prescription ophthalmic devices.

Effective Date

Comments on the original proposal objected that the final regulation was to become effective upon the date of publication in the **Federal Register.** These comments argued that the medical device industry would need time to review the final regulation and to determine what would have to be done to comply with the California requirements.

Upon reconsideration, the agency has determined that a delayed effective date for the final regulation is justified. Therefore, the final regulation will be effective 60 days after the date of its publication in the **Federal Register.**

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 521, 701, 52 Stat. 1055–1056 as amended, 90 Stat. 574 (21 U.S.C. 360k, 371)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 808 be amended by adding new § 808.55 to read as follows:

§ 808.55 California.

(a) The following California medical device requirements are enforceable notwithstanding section 521 of the act, because FDA exempted them from preemption under section 521(b) of the act: Sherman Food, Drug and Cosmetic Law (Division 21 of the California Health and Safety Code), sections 26207, 26607, 26614, 26615, 26618, 26631, 26640, and 26641.

(b) The following California medical device requirement is preempted by section 521 of the act, and FDA has denied it an exemption from preemption: Business and Professions Code section 2541.3 to the extent that it requires adoption of American National Standards Institute standards Z80.1 and Z80.2.

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 23, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[Docket No. 76P–0344]

[FR Doc. 79–9640 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 808]

Opportunity for Oral Hearing on Proposed Action on State of California's Application for Exemption From Preemption for Medical Device Requirements

AGENCY: Food and Drug Administration.

ACTION: Opportunity for oral hearing.

SUMMARY: In this notice the Food and Drug Administration (FDA) announces an opportunity for interested persons to request an oral hearing on a proposed rule on California's application for exemption from preemption for its medical device requirements. The proposed rule is published elsewhere in this issue of the **Federal Register.**

DATE: Requests for an oral hearing by May 3, 1979.

ADDRESS: Written requests to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Bureau of Medical Devices (HFK–70), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7114.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration announces an opportunity for an oral hearing on its proposed regulation on the State of California's application for exemption from preemption for its medical device requirements. Interested persons may request an oral hearing on or before May 3, 1979.

Elsewhere in this issue of the **Federal Register,** the agency is proposing to either grant or deny an exemption for each of the preempted California requirements. This proposed regulation is a reproposal of a proposed regulation published in the **Federal Register** of February 15, 1977 (42 FR 9186). An oral hearing on the proposed regulation was held on July 19, 1977. The transcript of that oral hearing remains part of the record for this reproposal, as do all comments received on the original proposal. To enable expeditious review of any requests for an oral hearing, the period for requesting an oral hearing is limited to the first 30 days of the comment period. If the agency determines that an oral hearing should be held, it will announce in the **Federal Register** the time, date, and place of the hearing. The procedures governing any such oral hearing are those applicable to a public hearing before the Commissioner under Part 15 (21 CFR Part 15).

Interested persons may, on or before May 3, 1979, submit requests for an oral hearing on the subject matter to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857. Four copies of all requests shall be submitted, except that individuals may submit single copies of requests, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this notice.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 521, 90 Stat. 574 (21 U.S.C. 360k)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: March 23, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[Docket No. 76P–0344]

[FR Doc. 79–9641 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[41 CFR PART 101–20]

Management of Buildings and Grounds; Physical Protection

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to

amend its regulations regarding the protection of employees and property by streamlining the reporting of criminal acts to the Federal Protective Service; establishing the Federal Protective Service as the sole collector and reporter of criminal offense data for GSA-controlled and -leased space; and establishing a Crime Prevention Program. The proposed changes are expected to provide more efficient and effective police security and crime prevention service to Federal agencies.

DATE: Comments must be received on or before: April 1, 1979.

ADDRESS: Written comments should be sent to the General Services Administration, (PSOC), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. John DeMarco, Chief, Crime Prevention Branch (202–566–1429).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals, and therefore is not significant for the purposes of Executive Order 12044.

Therefore, it is proposed to revise the title of Part 101–20 as follows:

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

The table of contents for Part 101–20 is amended to add the following entry:

101–20.503–3 Crime prevention.

Subpart 101–20.5—Physical Protection

Section 101–20.500 is revised to read as follows:

§ 101–20.500 Scope of subpart.

This subpart prescribes policies and methods for the physical protection of buildings, grounds, and equipment under the charge and control of GSA; requires active participation of occupant and user agencies in accomplishing certain aspects of crime prevention; requires that occupant and user agencies report any crime on GSA property to the nearest Federal Protective Service Office; and requires the establishment of self-protection plans and organizations to meet all emergencies except enemy attack.

Section 101–25.501 is revised to read as follows:

§ 101–20.501 Basic policy.

For buildings and grounds for which GSA has space assignment responsibility, GSA will furnish as normal protection not less than the degree of protection provided by commercial building operators of similar space for normal risk occupants, as determined by the Federal Protective Service. This protection may include control of building entry and inspection of packages when the Federal Protective Service determines such control is warranted for general Government occupancy and not necessitated by special activities or specific agencies. Special protection required due to the nature of the business conducted within the space or unusual public reaction to an agency's programs and missions, whether or not of a continuing nature, will be determined jointly by the Federal Protective Service and the occupant agency or agencies, and will be provided on a reimbursable basis in accordance with Subpart 101–21.4.

Section 101–20.502 is revised to read as follows:

§ 101–20.502 Protection criteria.

Determination of the level of normal protective service shall be made by the Federal Protective Service on a case-by-case basis and shall consider the facility's location, size and configuration, history of criminal or disruptive incidents in the surrounding neighborhood not primarily directed toward the occupant agency's mission, extent of exterior lighting, presence of physical barriers, and other factors as may be deemed pertinent.

§ 101–20.503 GSA responsibilities.

Section 101–20.503–1 is revised to read as follows:

§ 101–20.503–1 Physical protection.

GSA provides normal and special protection through perimeter patrol, interior patrol or fixed posts manned by Federal Protective Officers or contract uniformed personnel; by security systems and devices; by locking building entrances and gates other than during normal hours of occupancy; through the cooperation of local law enforcement agencies; or by any combination thereof depending upon the facility and the degree of risk involved. The degree of normal and special protection shall be determined in accordance with paragraph 101–20.501 after completion of a physical security and/or crime prevention assessment.

Section 101–20.503 is added to read as follows:

§ 101–20.503–3 Crime prevention.

The Federal Protective Service collects and disseminates information on criminal activity in or on property under the charge or control of GSA, provides crime prevention education programs to occupant agencies, and conducts crime prevention assessments.

§ 101–20.504 Responsibilities of occupant agencies.

Section 101–20.504–1 is revised to read as follows:

§ 101–20.504–1 General.

Occupants of GSA assigned space shall (a) cooperate to the fullest extent possible with all pertinent facility regulations and procedures, (b) make recommendations for improving protection, (c) report promptly unlawful acts committed on or against property under the charge or control of GSA to the nearest office of the Federal Protective Service, and (d) provide an informative program to all employees on protection and related matters.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 1, 1979.

Dennis J. Keilman,

Acting Commissioner, Public Buildings Service.

[FR Doc. 79–10107 Filed 4–2–79; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 654]

Stone Crab Fishery; Plan Approval and Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Approval of Fishery Management Plan for Stone Crabs, proposed regulations and request for comment.

SUMMARY: The Assistant Administrator for Fisheries has approved the Fishery Management Plan (FMP) for the stone crab fishery, which was prepared by the Gulf of Mexico Fishery Management Council. Regulations implementing a portion of the plan were implemented on an emergency basis to minimize already existing conflicts between users of fixed and trawl gear in an area off the west coast of Florida. Regulations implementing other portions of the plan dealing with harvesting practices, seasons and statistical reporting requirements in the stone crab fishery are proposed. Comments on the proposed regulations are invited.

DATES: Public comments on all regulations are invited until May 19, 1979.

ADDRESS: Send comments to the Assistant Administrator for Fisheries,

National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Mark "Stone crab comments" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT: Mr. William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702: Telephone (813) 893–3141.

SUPPLEMENTAL INFORMATION: The Assistant Administrator approved the FMP for stone crabs on March 19, 1979. The Gulf of Mexico Fishery Management Council recommended proposed regulations to implement this plan on January 19, 1979. These were considered and used as the basis for the regulations published herein.

The Fishery Management Unit

The stone crab fishery exists throughout the northern Gulf of Mexico from Florida to Texas. However, because of limited habitat and less than optimum environmental conditions, the abundance of stone crabs is limited in the northern Gulf of Mexico west of Franklin County, Florida. Stone crabs have not been recorded in the commercial landings west of this area. Stone crabs are uncommon in the waters off Alabama, Mississippi, Louisiana and east Texas and, therefore, no management is needed in these areas.

The management unit under this plan is specified as the area of the fishery conservation zone (FCZ) seaward of the west and south coasts of Florida, including the Keys. Should the need for management of the stocks in other areas arise in the future, the management unit will be modified to include these areas.

These regulations will not limit harvest in any State waters; however, for the most part they are consistent with present Florida laws. The Council and the Secretary will continue to coordinate regulations with State of Florida officials to ensure consistent implementation.

Separation Line

The Council found that restricting certain shrimp fishing was necessary to the management of crab fishing and to the Council's objective of optimizing the harvest potential of the stone crab fishery. These proposed regulations and the emergency regulations which appear elsewhere,[1] therefore, prescribe a line separating stone crabbers and shrimpers. the line, depicted by the solid line on Figure 1, begins at point B and ends between points E and F at the intersection with Florida's territorial sea. Shrimping, except for bait shrimping, is not allowed shoreward of the line in the fishery conservation zone. A vessel will be presumed to be a bait shrimper if it has 5 pounds or less of dead shrimp on board, does not use otter trawls, and is outfitted with live bait wells. Bait shrimping vessels have been allowed inside the line because their activities do not interfere with the harvest of stone crabs.

[1] 44 FR 18031, March 26, 1979.

Optimum Yield

The Council expressed a desire to allow the fishery to continue to expand consistent with sound conservation principles. the optimum yield (OY) in this fishery was developed to allow for that expansion. The OY has been specified as an amount equal to all harvestable adult stone crabs in the management area between October 15 and May 15 that have a claw size of 7.0 centimeters (2¾ inches) or greater. This amount is estimated to be 2.4 million pounds of stone crab claws. A number of measures have been proposed in the plan that allow for the continuance of the optimal harvest.

Harvest Restrictions

(i) Minimum size of claw (propodus). The plan adopts a minimum claw harvest size of 7.0 centimeters (2¾"). This size provides for an acceptable market product and for sufficient spawning prior to harvest to ensure continued viability of the stocks. This size is also consistent with Florida law.

(ii) Shading crabs prior to declawing, and returning crabs to the water. The regulations require that crabs with undersized claws and declawed crabs be returned to the water and not landed. This restriction, together with a requirement that all crabs be shaded from direct sunlight while on board the vessel, should reduce mortality of the crabs which are returned to the water.

(iii) Other restrictions. The regulations require that crabs be taken on board vessels during daylight hours and prohibit fishermen from tampering with pots not owned by them. These measures have been added to reduce conflicts within the fishery and to aid in the enforcement of the regulations. Both measures are consistent with corresponding Florida law. The prohibition against the harvest of another individual's traps does not carry criminal penalties and is not intended as a remedy for theft.

Fishing Season

The proposed regulations include a closed season from May 15 through October 15. A ten-day "soak period" is provided prior to the opening of the season and a five-day pull period is provided for retrieval of gear at the close of the season. Traps can be placed in the water during the "soak period" but may not be harvested. During the five-day pull period (May 15—May 20) traps may be retrieved, but all crabs must be returned to the water without removing their claws.

Gear Limitations

Traps set in the FCZ will be required to have a degradable panel in the upper half of the traps. The degradable panel must be constructed of wood or cotton material and leave an opening of at least 4 by 6½ inches. Traps made of wood do not need a biodegradable panel. The panel is intended to allow for escapement from traps that continue to harvest after they have been severed from trot and buoy lines.

Markings

Each vessel fishing for stone crabs in the FCZ must exhibit a number and color that corresponds with the number and color used to mark the vessel's pots and buoys. The color and number assigned to vessels by the State of Florida is adequate to meet this requirement. Those vessels that cannot obtain a Florida stone crab permit and who desire to fish for stone crabs in the FCZ may obtain a color and number from the Southeast Regional Director of the National Marine Fisheries Service (NMFS), 9450 Koger Boulevard, St. Petersburg, Florida. The color and number will be utilized by NMFS as an identification and enforcement aid.

Statistical Reporting

Processors will be required to report the poundage of claws handled, value, size classes of claws and other incidental information. Fishermen in the stone crab fishery will be required to submit daily trip tickets reporting catch, traps pulled daily, total number of traps fished and zones where the traps were pulled. The data collection requirements in the proposed regulations will be coordinated with similar requirements in the Everglades National Park.

A draft regulatory analysis on the proposed rules has been prepared. Among the alternative management measures considered in this draft analysis are various harvest practices, gear restrictions, vessel permit and information gathering systems. Copies of the draft analysis are available to interested members of the public and may be obtained from the Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger

Boulevard, St. Petersburg, Florida 33702. The final environmental impact statement covering the FMP was filed with the Environmental Protection Agency on February 8, 1979.

Signed in Washington, D.C. this 23d day of March, 1979. (16 U.S.C. 1801 et seq.)

Winfred H. Meibohm,
Executive Director,
National Marine Fisheries Service

PART 654—STONE CRAB FISHERY

Subpart A—General Measures

Sec.
654.1 Purpose and scope.
654.2 Definitions.
654.3 Relation to other laws.
654.4 Markings.
654.5 Record keeping and reporting requirements.
654.6 Restrictions.
654.7 Enforcement.
654.8 Penalties.

Subpart B—Management Measures

654.20 Catch limitations.
654.21 Gear Requirements.
654.22 Closed season.
654.23 Area restrictions.

Authority: 16 U.S.C. 1801 et seq.

Subpart A—General Measures

§ 654.1 Purpose and scope.

The regulations in this Part govern fishing for stone crabs by fishing vessels of the United States within that portion of the Gulf of Mexico along the west coast of Florida, including the Keys, in which the United States exercises exclusive fishery management authority under the Act. The regulations also affect vessels of the United States in the trawl fishery in that area.

§ 654.2 Definitions.

In addition to the definitions in the Act, and unless the context requires otherwise, the terms used in this Part shall have the following meaning. (Some definitions in the Act have been repeated here to aid understanding of the regulations.)

Act means the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. § 1801–1882).

Authorized Officer means:

(a) Any commissioned, warrant or petty officer of the United States Coast Guard;

(b) Any certified enforcement officer 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 Secretary and 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 paragraph (a) of this definition.

Biodegradable Panel means a panel, constructed of wood or cotton material and located in the upper half of the sides or on the top of a trap, which, when removed, will leave an opening in the trap measuring at least 4 by 6–½ inches.

Center Director means the Center Director, Southeast Fisheries Center, National Marine Fisheries, 95 Virginia Beach Drive, Miami, Florida 33149. Telephone (305) 361–5761.

Fishery Conservation Zone (FCZ) means that area adjacent to the territorial sea of the constituent States of 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 any activity, other than scientific research conducted by a vessel, which involves:

(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 in paragraph (a), (b), or (c) of this definition.

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.

Live box means a container used for holding live stone crabs on board a vessel.

Management area means that area of the FCZ adjacent to the territorial sea off the west coast of Florida and off the south side of the Florida Keys.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time or voyage; or

(c) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the designation, function or operation of the vessel; and

(d) Any agent designated as such by any person described in paragraph (a), (b) or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Regional Director means the Regional Director, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Stone Crabs means *Menippe mercenaria.*

Vessel of the United States means:

(a) A vessel documented or numbered by the Coast Guard under United States law; or

(b) A vessel which is registered under the laws of any State.

United States Harvested Fish means fish caught, taken or harvested by vessels of the United States within any foreign or domestic fishery regulated under the act.

§ 654.3 Relation to other laws.

(a) *Federal.* The regulations in this Part are intended to be compatible with, and do not supersede similar regulations in effect for the Everglades National Park (36 CFR 7.45).

(b) *State.* The regulations in this Part are intended to be compatible with similar regulations and statutes in effect in the State of Florida. Responsibilities relating to the issuance of numbers and colors, data collection, and enforcement may be performed by personnel of the State of Florida under agreement with the National Oceanic and Atmospheric Administration and the U.S. Coast Guard.

§ 654.4 Markings.

(a) *General.* No vessel other than a vessel of the United States which is properly registered, documented or numbered may fish for stone crabs in the management area.

(b) *Markings:*

(1) Buoys and traps shall bear the number and color that correspond with their Florida stone crab permit number and color or their Federal number and color.

(2) Each vessel fishing for stone crabs in the management area shall be marked

by its appropriate documentation, registration or number and shall be marked by the appropriate stone crab number and color.

(3) All markings shall be permanent. Vessel markings shall be of a size and location so as to be visible from the air. Buoy and trap markings shall be of such size and color so as to permit ready identification of the gear.

(c) *Application to the Regional Director* (1) Persons who cannot obtain a Florida stone crab permit may apply to the Regional Director, who shall assign a Federal number and color to the vessel and its gear.

(2) Each application shall contain the following information:

(i) The applicant's name, mailing address, and telephone number;

(ii) The name of the vessel;

(iii) The vessel's United States Coast Guard documentation number or State license number; and

(iv) The vessel's radio call sign.

(d) *Fees.* No fee is required for a number and color issued by the Regional Director under this part.

§ 654.5 Record keeping and reporting requirements.

(a) *Owners and Operators.* The owner or operator of any fishing vessel that harvests stone crabs and sells stone crab claws shall report the information required by this paragraph to the Center Director each month, on forms supplied by the Center Director. Reports shall contain the following information for each day's catch:

(i) The date of the catch;

(ii) The gear identification (number and color) and the vessel name and number;

(iii) The number of pounds of stone crab claws harvested by zone (Zone 1—territorial sea; Zone 2—the FCZ shoreward of eight fathoms; Zone 3—the FCZ seaward of eight fathoms);

(iv) The number of traps being fished per zone per month;

(v) The number of traps pulled per zone per day; and

(vi) The name and address of the purchaser.

(b) *Dealers and Processors.* Any person who receives stone crab claws by way of purchase, barter, trade or sale from a fishing vessel subject to this Part shall file a monthly report with the center Director which shall contain the following information:

(i) The date the stone crab claws were received;

(ii) The name and mailing address of the person receiving the stone crab claws;

(iii) The name of the vessel;

(iv) The weight in pounds of stone crab claws received by size class (large, medium and small);

(v) The ex-vessel value of stone crab claws purchased or handled monthly;

(vi) The amount by weight of stone crab processed monthly; and

(vii) The disposition of the stone crab claws processed or received.

(c) *Filing.* Reports under this section shall be filed on a form supplied by the Center Director within ten days after the end of each month in which the stone crab claws were received or harvested.

§ 654.6 Restrictions.

(a) It is unlawful for any person: (1) To possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land or export any stone crabs taken in violation of the Act, this Part, or any other regulation promulgated under the act;

(2) To refuse to permit an Authorized Officer to board a fishing vessel subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this Part, or any other regulation promulgated under the Act;

(3) Forcibly to assault, resist, oppose, impede, intimidate, or interfere with any Authorized Officer in the conduct of any search or inspection described in subparagraph (2);

(4) To resist a lawful arrest for any act prohibited by this Part;

(5) To interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this Part;

(6) To falsify or fail to submit any reports required by section 654.5; and

(7) To violate any other provision of this Part, the Act, or any regulation issued under the Act.

(b) It is unlawful for any vessel of the United States or for any owner or operator of any vessel of the United States to transfer directly or indirectly or attempt to so transfer any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit under this act.

§ 654.7 Enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to these regulations shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, log book, and catch for purposes of enforcing the Act or this Part.

(b) *Signals.* Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of the fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly";

(2) "SQ3" meaning "You should stop or heave to; I am going to board you"; and

(3) "AA AA AA etc." which is the call to an unknown station, to which the signaled vessel should respond by illuminating the vessel identification required by § 654.4.

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) stop immediately and lay to or maneuver in such a way as to permit the Authorized Officer and his party to come aboard;

(2) provide a safe ladder for the Authorized Officer and his party;

(3) when necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) take such other actions as necessary to ensure the safety of the Authorized Officer and his party and to facilitate the boarding.

§ 654.8 Penalties.

Any person or fishing vessel found to be in violation of any regulation contained in this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, and 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and other applicable law.

Subpart B—Management Measures

§ 654.20 Catch Limitations.

(a) *Claw Size.* No person shall remove a stone crab claw with a propodus measuing less than 2¾ inches from the body of a stone crab. Stone crab claws are measured in a straight line from the elbow to the tip of the lower immovable finger (see Figure 1). The propodus is the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body when the entire appendage is extended.

(b) *Holding Crabs Aboard Fishing Vessels.* Stone crab bodies from which claws have been severed or removed must be returned to the water before the vessel leaves the fishery conservation zone. Stone crabs may be held in live boxes prior to severing or removing the

claws from the body, provided that the crabs are shaded from direct sunlight.

(c) *Traps.* No person, except an Authorized Officer, shall wilfully tend, open, pull or otherwise molest another person's traps without the prior written consent of that person. (The buoy and corresponding lines are part of the trap for purposes of this section.)

(d) *Time of Day.* No person shall tend or pull traps during the period beginning one hour after sunset to one hour before sunrise.

§ 654.21 Gear requirements.

Traps used in the stone crab fishery must have a biodegradable panel (see definition in section 654.2).

§ 654.22 Closed season.

(a) No person shall possess stone crabs or any parts thereof in the fishery conservation zone during the period from May 16 through October 14. Baited traps may be placed in the water on or after October 4 and fishermen may remove traps until May 21. No traps may be in the water between May 21 and October 4 inclusive.

§ 654.21 Area restrictions.

(a) Between January 1 and May 20, it shall be unlawful to use trawl gear, except as provided for in paragraph (b) of this section, in that part of the fishery conservation zone (Figure 2) shoreward of a line starting at point B (Lat. 26°16.0′ N and Long. 81°58.5′ W), and thence directly to point C (Lat. 26°00.0′ N and Long. 82°04.0′ W), and thence directly to point D (Lat. 25°09.0′ N and Long. 81°47.6′ W), and thence directly to point E (Lat. 24°54.5′ and Long. 81°50.5′ W), and thence directly to the intersection of the territorial sea of the State of Florida and a line extending from point E to point F at Snipe Point (Lat. 24°41.9′ N and Long. 81°40.5′ W).

(b) Trawling for live bait shrimp may be conducted shoreward of the line specified in paragraph (a). Live bait boats must (1) have live shrimp wells, (2) use gear other than otter trawls, and (3) possess no more than 5 pounds of dead shrimp at any time. It shall be a rebuttable presumption that any vessel not meeting all the above criteria is not engaged in the bait shrimp fishery.

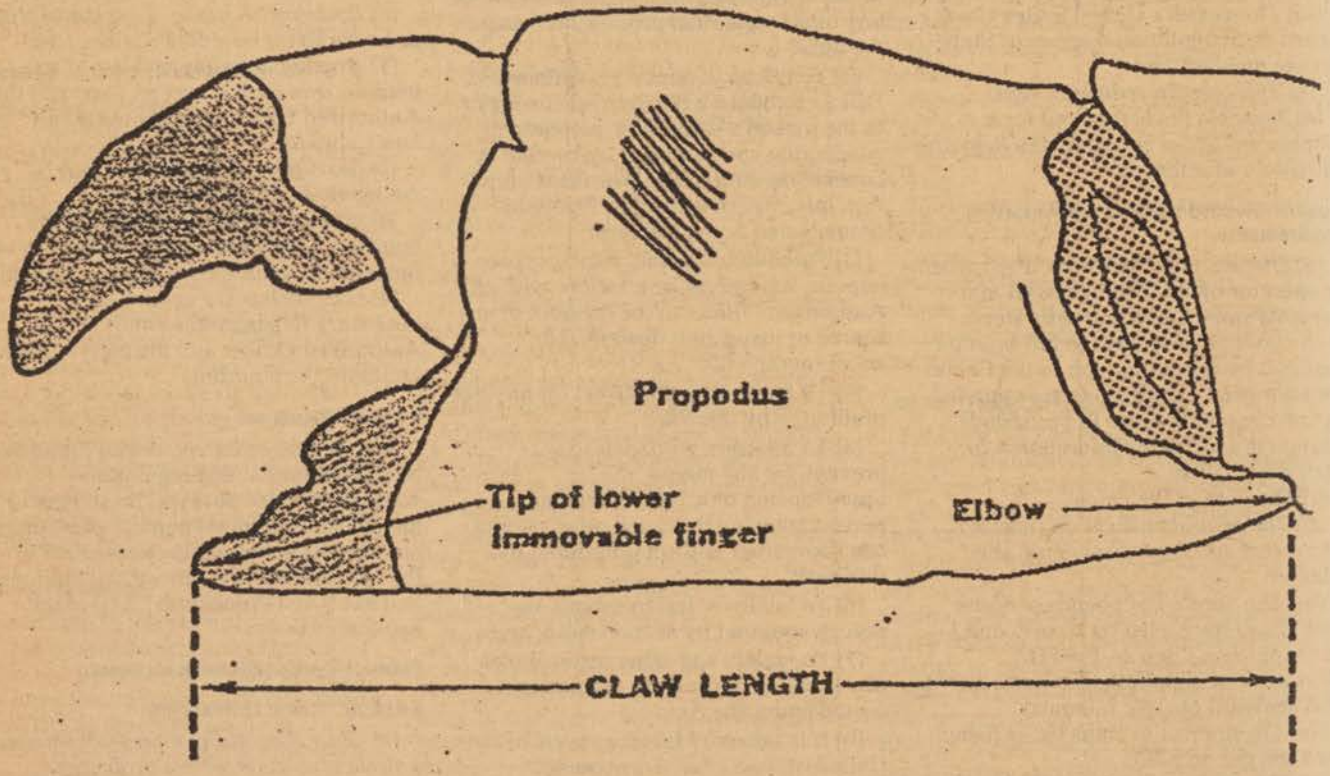

Figure 1.
Stone Crab Claw (Propodus).

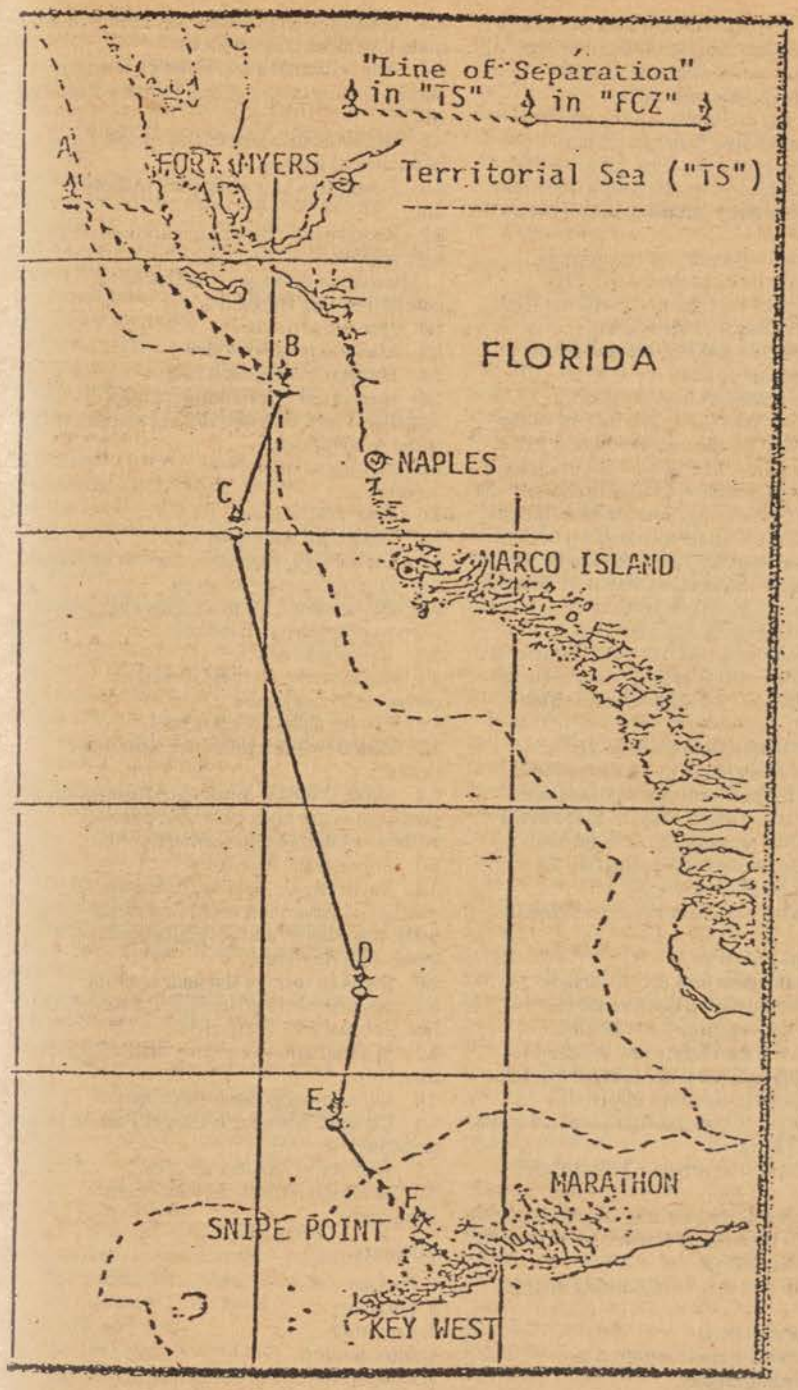

Figure 2.

Line of Separation

POINT	LATITUDE	LONGITUDE
A	26–36.4'N	82–24.3'W
B	26–16.0'N	81–58.5'W
C	26–00.0'N	82–04.0'W
D	25–09.0'N	81–47.6'W
E	24–54.5'N	81–50.5'W
F	24.41.9'N	81–40.5'W

LORAN C COORDINATES

POINT	Y	X	W
A	42128	30715	14094
B	41840	30683	14109
C	41844	30593	14059
D	41666	30407	13995
E	41673	30330	13962.5
F	41615	30290	13948

Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico

Gulf of Mexico Fishery Management Council, Tampa, Florida

1. Preface

This fishery management plan for stone crabs, *Menippe mercenaria* and *M. nodiforns* was prepared for the Gulf of Mexico Fishery Management Council by a task team directed by the National Marine Fisheries Service. The following were members of the task team:

Tom Costello (Task team leader), Southeast Fisheries Center, Miami, Florida.
Theresa M. Bert, Yale University, Department of Biology, New Haven, Connecticut.
David G. Cartano, University of Miami, Coral Gables, Florida.
Gary Davis (Task team leader for biological aspects of this plan), Everglades National Park, Homestead, Florida.
Gale Lyon (Task team leader for economics of this plan), Gulf of Mexico Fishery Management Council, Tampa, Florida.
Charles Rockwood, Florida State University, Tallahassee, Florida.
John Stevely, Florida Cooperative Extension Service, Key West, Florida.
Joseph Tashiro, Southeast Fisheries Center, Miami Loboratory Miami, Florida.
W. Lee Trent, National Marine Fisheries Service, Panama City, Florida.
Donna Turgeon, Marine Science Consortium, Wallops Islands, Virginia.
James Zuboy, Southeast Fisheries Center, Miami, Florida.

2. Summary

This is a plan to manage the stone crab resources of the Gulf of Mexico. Although the plan considers the resource throughout its range from Florida to Texas, the area which will be regulated under this plan is confined to the waters of the West Coast of Florida, including the Keys, in the Fishery Conservation Zone (9 nautical to 200 miles). The purpose of restricting the management regime to this area is because very few stone crabs are taken in other areas and no regulation is needed at this time in these areas. The proposed regulations which are different from those now in effect will be considered by Florida for implementation in the waters of the territorial sea.

The purpose of this plan is to manage the stone crab resource in the FCZ and to reduce gear conflict between stone crab fishermen and shrimp fishermen in southwest Florida. Therefore, citizens utilizing both of these resources are impacted by the plan.

Specific management objectives of this plan.

(1) *Provide for an orderly stone crab fishery by reducing conflict between stone crab and shrimp fishermen.* The conflict which erupted into violence during the 1977–78 season is the prime reason for development of the plan at this time. The proposed regulations of the plan which were selected to achieve this objective were developed with input by both shrimp and crab fishermen in an attempt to resolve the conflict as fairly as possible.

(2) *Establish an effective statistical reporting system.* This plan would require user groups to report information relative to harvesting and utilization of the resource which is essential to effective fishery conservation and management.

(3) *Attain full utilization of the resource.* This is an expanding fishery and the management regime provides for growth and development. However, minimal restrictions which are necessary for stock conservation are applied.

(4) *Promote uniformity of regulations throughout the management area.* The Council, State of Florida, and National Park Service will attempt to standardize regulations for the fishery when it serves a useful purpose to do so.

Maximum sustainable yield (MSY).

The MSY for the stone crab fishery of the West Coast of Florida was calculated to be 2.4 million pounds. The largest commercial harvest of stone crabs was during the 1977–78 season when 2.1 million pounds were landed. The scientific biological information in the plan indicates that harvest from the fishery is still well below the actual amount of annual harvest that can be taken without resulting in overfishing and decline in abundance of future annual crops. The MSY stated here is the best mathematical estimate (as required by law) based on current available catch data.

Optimum sustainable yield (OY).

The OY is designated as all harvestable adult stone crabs in the management area between October 5 and May 15 that have a claw size of 7.0 centimeters (2¾ inches) or greater. (This will be approximately 2.4 million pounds of claw weight.)

Management measures recommended in the plan.

1.0 *Harvest practices*
1.1 Minimum claw size of 2¾ inches.
1.2 Declawed crab bodies should be returned to the water and not landed.
1.3 All vessels and boats are required to shade the live crab box from direct sunlight.
1.4 Harvest of both claws allowed.
1.5 It is illegal to pull another person's traps.
2.0 *Fishing season*
2.1 Closed season between May 15 and October 15.
2.2 The grace period for trap placement is 10 days prior to the season and for recovery is 5 days after the season.
2.3 Legal to pull traps only during daylight hours.
3.0 *Gear restrictions*
3.1 Degradable panels required in nondeteriorating traps.
4.0 *Vessel enumeration*
4.1 All fishing vessels or boats in the FCZ must be enumerated.
4.2 Fishermen be classified as full-time or part-time.
5.0 *Information reporting*
5.1 Monthly dealer/processor reporting of pounds, value, size class of fishermen's and processed products.
5.2 Monthly submission of daily trip tickets by fishermen reporting catch, traps pulled daily, number of traps and catch zone.
6.0 *Steps to resolve the gear conflict*
6.1 Establish a line of separation.
6.2 Prohibit shrimp trawling inshore of the line January 1 to May 20.
6.3 Distribute charts and description of line including loran coordinates.
6.4 Allow limited supervised exploratory shrimp fishing inside of line January 1 to May 20.
6.5 Recommend state adoption of 6.1 and 6.2 in territorial waters.
6.6 Permit live bait shrimping inshore of line.
6.7 Require identification markings on live bait vessels.

Alternative management measures considered and rejected.

1.0 *Harvest practices*
1.1 Maximum harvest size.
1.2 Harvest of one claw only.
1.3 Harvest of egg-bearing females prohibited and they should be returned to the water immediately.
2.0 *Fishing season*
None.
3.0 *Gear restrictions*
3.1 Restricted trap float size.
3.2 Define legal trap construction materials.
3.3 Limited number of traps.
3.4 Possession limit of 24 claws per person for non-commerical fishermen.
4.0 *Vessel permits*
4.1 Designation as recreational of commercial fisherman.
4.2 Fee per license or per trap.
4.3 Illegal to lend or tansfer permits or licenses.
4.4 Make it illegal for dealers/processors to purchase stone crab claws for persons without a commercial fishing permit.
5.0 *Information reporting*
5.1 Reporting by dealers/processors on number of fishermen supplying catch, traps used, traps used, and amounts purchased from other dealers.
6.0 Steps to resolve the gear conflict
6.1 prohibit shrimp trawling inshore of the line, February 15 to April 15.
6.2 Prohibit stone crabbing offshore of the line.
7.0 *Other management measures*
7.1 Close Everglades National Park to stone crabbing.
7.2 Limit total harvest by area.
7.3 Limit the number of stone crab fishermen.

Contents

1. Preface
2. Summary
3. Contents
4. Introduction
5. Description of the Stock Comprising the Management Unit
(i) Species comprising the unit and their distribution
(ii) Abundance and present condition
(iii) Trophic relationships
(iv) Estimate of MSY
(v) Probable future condition
6. Description of Habitat of the Stock Comprising the Management Unit
(i) Condition of the habitat
(ii) Habitat areas of particular concern
(iii) Habitat protection programs
7. Fishery Management Jurisdiction, Laws and Policies
(i) Management institutions
(ii) Treaties or international agreements

(iii) Federal laws, regulations and policies
(iv) State laws, regulations and policies
(v) Local and other applicable laws, regulations, and policies
8. Description of Fishing Activities Affecting the Stock Comprising the Management Unit
(i) History of exploitation
(ii) Present commercial and recreational activities
(iii) Assessment and specification of the U.S. harvesting capacity
(iv) Assessment and specification of the U.S. processing capacity
(v) Foreign fishing activities
(vi) Interactions between domestic and foreign participants in the fishery
9. Description of Economic Characteristics of the Fishery
(i) Domestic harvesting sector
(ii) Domestic processing sector
(iii) International trade
10. Description of the Business, Markets and Organizations Associated with the Fishery
(i) Relationship among harvesting, brokering, and processing sectors
(ii) Fishery cooperatives or associations
(iii) Labor organizations
(iv) Foreign investment
11. Description of Social and Cultural Framework of Domestic Fishermen and Their Communities
(i) Ethnic character, family structure and community organization
(ii) Age and education profiles of fishermen
(iii) Employment opportunities and unemployment rates
(iv) Recreational fishing
(v) Economic dependence on commercial or marine recreational fishing and related activities
12. Determination of Optimum Yield
(i) Specification of the fishery and management unit
(ii) Specific management objectives
(iii) Description of Alternatives
(iv) Analysis of beneficial and adverse impacts of potential management options
(v) Trade-offs between the beneficial and adverse impacts of the preferred or optimal management options
(vi) Specification of optimum yield
13. Measures, Requirements, Conditions, or Restrictions Specified to Attain Management Objectives
(i) Permits and fees
(ii) Time and area restrictions
(iii) Catch limitations
(iv) Types of vessels, gear, and enforcement devices
(v) State, local, and other laws and policies
(vi) Limited entry
(vii) Habitat preservation, protection, and restoration
(viii) Development of fishery resources
(ix) Management costs and revenues
14. Specification and Source of Pertinent Fishery Data
(i) General
(ii) Domestic and foreign fishermen
(iii) Processors
15. Relationship of the Recommended Measures to Existing Applicable Laws and Policies
(i) Fishery management plans
(ii) Treaties or international agreements
(iii) Federal law and policies
(iv) State, local, and other applicable laws and policies
16. Council Review and Monitoring of the Plan
(i) General Approach
(ii) Specific Monitoring Considerations
17. References

4. Introduction

For the past two decades the State of Florida has closed to shrimping a large area of water off the southwest coast known as the Dry Tortugas nursery grounds. The nursery area provided a santuary for young, maturing shrimp and also served as a boundry line between stone crab and pink shrimp fishermen. Stone crabbers fished their traps inside the nursery area while shrimpers essentially fished outside the nursery area. Under this arrangement conflicts between the user groups were rare, even during the three-month period (February-April) that the fisheries overlapped. In recent years, however, the stone Crab fishery has expended offshore, and effort has increased in the shrimp fishery resulting in territorial conflicts during the period of overlap.

In 1976, two major events occured which led to conflict between these two fisheries. A poor shrimp season along the South Atlantic coast coupled with the displacement of U.S. shrimpers from foreign waters, by nations that extended their fisheries jurisdiction caused an influx of shrimpers into the pink shrimp fishery off Florida. Concomitantly, a decision was reached by the U.S. Supreme Court, *U.S. v. Florida*, [420 US 531 (1975)] which redefined the seaward boundary along the florida Gulf Coast and effectively disrupted the provisions of the Florida nursery area statute. Although Florida could still control and regulate its own citizens in the Dry Tortugas nursery area, the state had no authority over out-of-state fishermen more than nine nautical miles off the coast. The combined effect of these two events resulted in major gear conflicts within the former nursery area and set the stage for threats and acts of violence between stone crab and shrimp fishermen as well as other fishermen in the same area using incompatible gear.

As a stop-gap measure, the U.S. Coast Guard designated a boundary in the disputed area in an attempt to confine shrimp fishing activities to one side and stone crabbing activities to the other. The line established by the Coast Guard was unenforceable and did not effectively resolve the dispute.

The Fishery Conservation and Management Act of 1976 (P.L. 94–265) provides for the preparation and implementation of management plans for all fisheries that occur within the 200 mile Fishery Conservation Zone. A jurisdictional gap will continue to exist until a management plan governing the stone crab or shrimp fishery is adopted. This management plan for the stone crab fishery presents specific management options designed to resolve this conflict as well as the establishment of an overall management regime for the stone crab fishery.

The Fishery Management Plan for Stone Crabs of the Gulf of Mexico is written in compliance with provisions of the Fishery Conservation and Management Act of 1976. The goal of this plan is to present in a clear orderly form all available information necessary for intelligent long-range management of stone crabs within the jurisdiction of the Gulf of Mexico Fishery Management Council. The plan:

(i) describes the fishery according to the requirements of Public Law 94–265.

(ii) assesses and specifies the present and probable future conditions and optimum yield from the resource. Assesses and specifies the present and probable future capacity of the United States fishermen to harvest the optimum yield.

(iii) provides necessary conservation and management measures applicable to foreign and domestic fishermen.

(iv) identifies and recommends conservation and management measures applicable to and affecting harvesting, spawning and nursery areas of the Gulf of Mexico.

(v) identifies state, interstate and foreign management systems for the stone crab resources and adopts measures to ensure the effective management of the resource throughout the management area.

(vi) provides statistical bases and alternative methods by which the allocations that may be required under Section 301(a)(4) of the Fishery Conservation and Management Act can be made.

(vii) requires and promotes improvement of the collection and dissemination of statistics regarding commercial and recreational fisheries necessary to implement or modify the fishery management plan.

(viii) identifies the areas where additional data are needed to improve the base of formulating management plans or to improve an implemented plan.

(ix) identifies environmental, biological, economic and sociological effects of the various management options (and proposed regulations) on the various segments of the fishery community.

(x) identifies trophic relationships and their effect on the management of the stone crab fishery, including descriptions of fisheries harvesting predator species.

(xi) develops management options and proposed regulations which promote optimum allocation and utilization of the resource and which ensure the highest possible quality of the product.

(xii) the area of concern is the west coast of Florida in the Fishery Conservation Zone (Florida-Alabama state border southward to and including the Florida Keys.) This plan deals with stone crabs, *Menippe mercenaria* and *Menippe nodifrons*.

5. Description of the Stock Comprising the Management Unit

(i) *Species Comprising the Unit and their Distribution.* The North American stone crab fishery is supported by a single species, *Menippe mercenaria* (Say, 1891) (Figure 5–1). This species ranges from the Yucatan peninsula through the Gulf of Mexico into the Atlantic Ocean as far north as Cape Lookout,

North Carolina (Williams, 1965), with a few records from the Caribbean (Karandeyva and Silva, 1973). Juvenile stone crabs are found intertidally in coastal estuaries (Manning, 1961) with adults offshore to depths of 54 m (Bullis and Thompson, 1965).

M. mercenaria exhibits three distinct phases in its life cycle: larval, juvenile, and adult. Each phase requires an unique set of ecological conditions. Female stone crabs move on to nearshore grass beds offshore and produce six to ten egg masses during each spring-summer spawning season (Futch, 1966; Bender, 1971). Each egg mass contains 100,000 to 1,000,000 eggs. The planktonic larvae, called zoea, pass through five or six distinct stages in 20 to 35 days, and prefer warm stable seawater salinities (Ong and Costlow, 1970). After molting out of the last larval stage, the megalops, juvenile stone crabs migrate inshore to coastal estuaries, particularly those with extensive oyster bars. They grow to maturity in about two years, eating small mollusks, polychaete worms, and crustaceans. During the cold winter months, adult stone crabs may seal themselves in burrows in the mud bottom.

After one year of maturity, at age 3, the crabs enter the fishery. The harvest is comprised of primarily age 3 and 4 crabs, with increasingly fewer age V crabs being caught in recent years (Sullivan, in press).

Cheung (1973) suggested that adult male stone crabs reach a terminal molt stage at about 112 mm carapace width (age IV or V), after which no further growth or claw regeneration occurs.

A closely related species, *M. nodifrons*, apparently replaces *M. mercenaria* in the Caribbean (Rathbun, 1930), although it is found infrequently along the Atlantic coast of Florida (Gore, et al., 1978).

(ii) *Abundance and Present Condition.* Current information regarding the abundance and biological condition of stone crab stocks in the Gulf of Mexico is available only from the southwestern Florida fishery. Only total landings data, as pounds of claws, are available for the rest of the Florida fishery, and there are no accounts of stone crab abundances for the rest of the Gulf of Mexico, except as anecdotal references to occasional observations from shrimp trawlers. Therefore, this description is limited to that area regularly fished by Florida boats from Key West to Tampa Bay.

In a recent study conducted by the Florida Department of Natural Resources (Sullivan, in press) mark/recapture population estimates indicated a 30 to 50 percent reduction in the number of legal-sized stone crabs available to trappers from October 1975 to May 1976. Assuming that a crab trap fishes an area of about 1 hectare, the density of legal-sized stone crabs in the offshore area varied from about 1,400 to 4,700 crabs per square kilometer (Sullivan, in press). Sullivan also found the modal size of harvested crabs was well above the minimum legal harvest size, representing primarily year III and year IV crabs, and that there was a large population of sub-legal sized year II crabs available for recruitment. However, the extreme inshore portion of the fishery in Everglades National Park has shown severe reductions in catch per unit of fishing effort between 1972 and 1976 (Davis, in press) and within the fishing seasons (Davis and Thue, 1977). Harvesting operations were virtually terminated in 1974, 1975 and 1976 after six months of season because of low catch rates. The park fishery reported a catch rate of 113 grams of claws per trap-night in 1972, but by 1976 traps in the park yielded only 29 grams of claws per night. The number of traps in the park during this time was relatively constant at about five traps per square kilometer.

The size distributions of claws in the Collier County landings were relatively stable between 1970–71, 1974 and 1975–76 (Savage, et al., 1975, Sullivan in press). Although there appears to be progressively fewer "jumbo" claws in the harvest each year, the increased proportion of "large"

claws has more than made up for the loss of the "jumbos." It appears that this offshore portion of the fishery is showing the characteristics of a newly developing fishery that has recently expanded to the limits of its stocks, and has removed the few exceptionally large individuals characteristic of unfished stocks. Improved catch rates in the inshore fishery in the 1977–78 season point out the potential importance of environmental conditions that may well overide and mask the effects of fishing activity on crab abundance and availability (Table 5–1).

(iii) *Trophic Relationships.* The transfer of food energy through a series of organisms by repeated eating and being eaten is referred to as a food chain (Odum, 1971). Food chains are interconnected and the interlocking pattern is termed a food web. Insufficient information exists to define the food web within which stone crabs occur as predator and prey, but the trophic levels (levels of feeding or links in the food chain) within which stone crabs function, and a food web, can be hypothesized.

Trophic levels in a marine ecosystem are usually limited to five (Odum, 1071): (1) producers—attached plants and phytoplankton, (2) herbivores—plant consumers, (3) primary carnivores, (4) secondary carnivores, and (5) tertiary carnivores. Animals feeding on plants and animals are classified as omnivores.

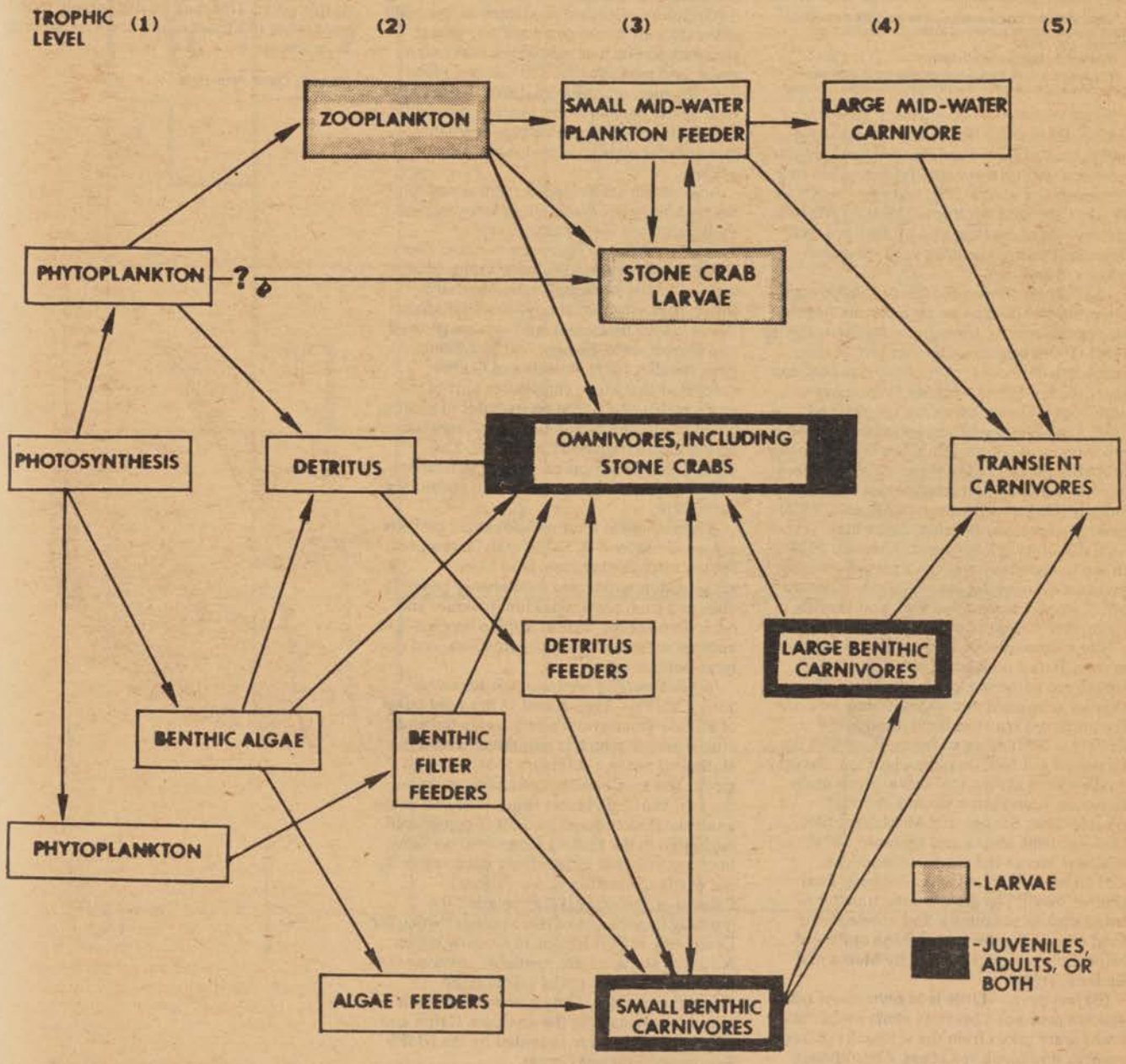

Figure: 5–2 Hypothetical food web for the stone crab (modified from Hiatt and Strasburg, 1960).

Table 5–1—*Size frequency distributions of stone crab claws in the southwest Florida fishery, 1970–71, 1973–74, and 1975–76.*

Claw size*	Percent frequency		
	1970–71**	1973–74**	1975–76***
Small	20	35	34
Medium	40	22	24
Large	24	32	39
Jumbo	16	11	3
(N)	7,025	2,746	6,772

*Claw sizes are approximate as they are sorted visually by fish house personnel according to criteria described by Savage, et al. (1975).

**Data from Savage, et al. (1975).

***Carapace width frequencies converted to claw sizes using data and conversion equations from Sullivan (in press).

Stone crabs may occupy more than one trophic level according to life history stage and source of food. Predator-prey and trophic relations will be discussed for larval (up to 2 mm carapace width-CW), juvenile (from 2 to 29 mm CW), and adult (over 29 mm CW) life history stages. Savage and McMahan (1968) described young juveniles with carapace widths of 2.04 mm.

(A) *Larvae.*—From 160,000 to 350,000 eggs are produced per spawn by a mature female stone crab several times per year (Bert, et al, 1978). These eggs develop into larvae that immediately become part of the plankton and enter the food chain as prey for primary carnivores. These larvae are fed upon by adult filter-feeding fishes, larval fishes, and other types of zooplankton. Stone crab larvae probably remain in the water column for 3–6 weeks, depending on temperature and salinity (Ong and Costlow, 1970), and, if like most marine invertebrates, suffer high mortality during this period (Thorsen, 1949). In the Everglades and Big Cypress estuaries, juvenile stone crabs are frequently found in red drum, *Sciaenops ocellata,* and jewfish, *Epinephelus itajara,* stomachs.

The natural diet of stone crab larvae is not known. Based on laboratory studies the larvae are voracious predators, consume smaller zooplanktonic animals, and feed at the primary carnivore level (Mootz and Epifanio, 1974). Data so far indicate that the larvae do not feed on phytoplankton. Several studies have shown that larval stone crabs thrive on young brine shrimp, *Artemia* (Porter, 1960; Savage and McMahan, 1968; Cheung, 1969; Mootz and Epifanio, 1974), whereas larvae fed single-celled algae, *Chlamydomonas* and *Nannochloris,* died (Porter, 1960). The growth rate, number of brine shrimp consumed, and efficiency of food conversion for larval stone crabs fed brine shrimp were reported by Mootz and Epifanio (1974).

(B) *Juveniles.*—Little is known about what species prey upon juvenile stone crabs. Stone crabs were taken from the stomachs of large grouper and black sea brass. *Centropristis striata,* (Bender, 1971), and it is probable that a large number of adult fishes feed on the juveniles. Small stone crabs were eaten in the laboratory by the oyster conch, *Thais floridana,* and by larger stone crabs (Powell and Gunter, 1968).

Juvenile stone crabs feed on polychaetes, flatworms, small bivalves, oyster drills, seagrass blades, or the epiphytic and epizoic organisms that grow on the blades, and carrion (Wass, 1955; Savage, McMahan, 1968; Powell and Gunter, 1968; Bender, 1971). Several species of animals, and some vegetative material, were ingested by juvenile or adult or both stages of stone crabs in studies conducted by Powell and Gunter (1968). Based on available information it appears that juveniles function to some degree as herbivores and as primary and secondary carnivores.

(C) *Adults.*—Known predators on the adult stone crab are horse conchs, *Pleuroploca gigantea,* sea turtles, octopuses, other stone crabs, and man (Powell and Gunter, 1968; Bert, Warner, and Kessler, 1978). Some fishes such as the cobia, *Rachycentron canadum,* and the larger groupers such as Jewfish, *Epinephelus itajara,* occasionally prey on adults.

Adult stone crabs feed in captivity and in the natural environment on oysters, oyster-shell parasites, boring clams, acorn barnacles, *Balanus eburneus,* conchs, *Thais floridana,* flatworms, grapsoid crabs, blue crabs, *Callinectes sapidus,* hermit crabs, *Clibinarius vittata,* cabbage-head jellyfish, *Stomolophus meleagris,* and carrion (Powell and Gunter, 1968; Savage and McMahan, 1968; Bender, 1971). Powell and Gunter suspected that algae constitutes part of the stone crab's diet based on its habit of picking up diatom-laden materials and on vegetable matter found frequently in the gut. The adults, like the juveniles, appear to function as herbivores and as primary and secondary carnivores.

A hypothetical food web for stone crabs is shown in Figure 5–2. Stone crab larvae are shown as obtaining their food from zooplankton with some food energy possibly obtained from phytoplankton. Juvenile and adult stone crabs feed at trophic levels 2–4 as omnivores, small benthic carnivores, and large benthic carnivores.

(iv) *Estimate of Maximum Sustainable Yield (MSY).*—Assessment of the west coast of Florida stone crab fishery treats the stone crab resource which is exploited in NMFS statistical zones 1–7 (Figure 5–3), as a unit stock. The small amount of crabs caught on the east coast of Florida is not included in the analysis. Recreational harvest is considered negligible in the Fishery Conservation Zone, because this area of relatively deep water is not easily accessible to recreational fishermen. Knowles (1978) detailed the growing importance of recreational fishing for Cedar Key to Fort Myers, in shallow water. No catch statistics are available covering the poundage of stone crabs taken in the recreational catch. Only commercial catch statistics are used in the analysis. Catch and effort statistics were provided by the NMFS Southeast Fisheries Center.

(A) *Methodology.*—The generalized stock production model (Fox, 1975) was used to estimate MSY. The method requires a time series of catch and effort data (Table 5–2). A linear regression line is statistically fit to the relationship of catch per unit of effort and effort to estimate the parameters (constants) necessary to fit the curve to the relationship of yield and effort. The yield curve thus derived provides an estimate of MSY and the optimum fishing effort to attain MSY.

(B) *Stock assessment.*—Figure 5–4 shows the effort trend in the stone crab fishery. Effort increased slowly for the first ten years, but since 1971 it has increased dramatically. The catch trend (Figure 5–5) follows the effort trend rather closely, but at a somewhat slower rate. Although catch per unit of effort has decreased over time (Table 5–2), total catch shows no indication of leveling off. Thus the fishery appears to be still expanding at this point. This may be due largely to the expansion of fishing effort into new grounds in recent years.

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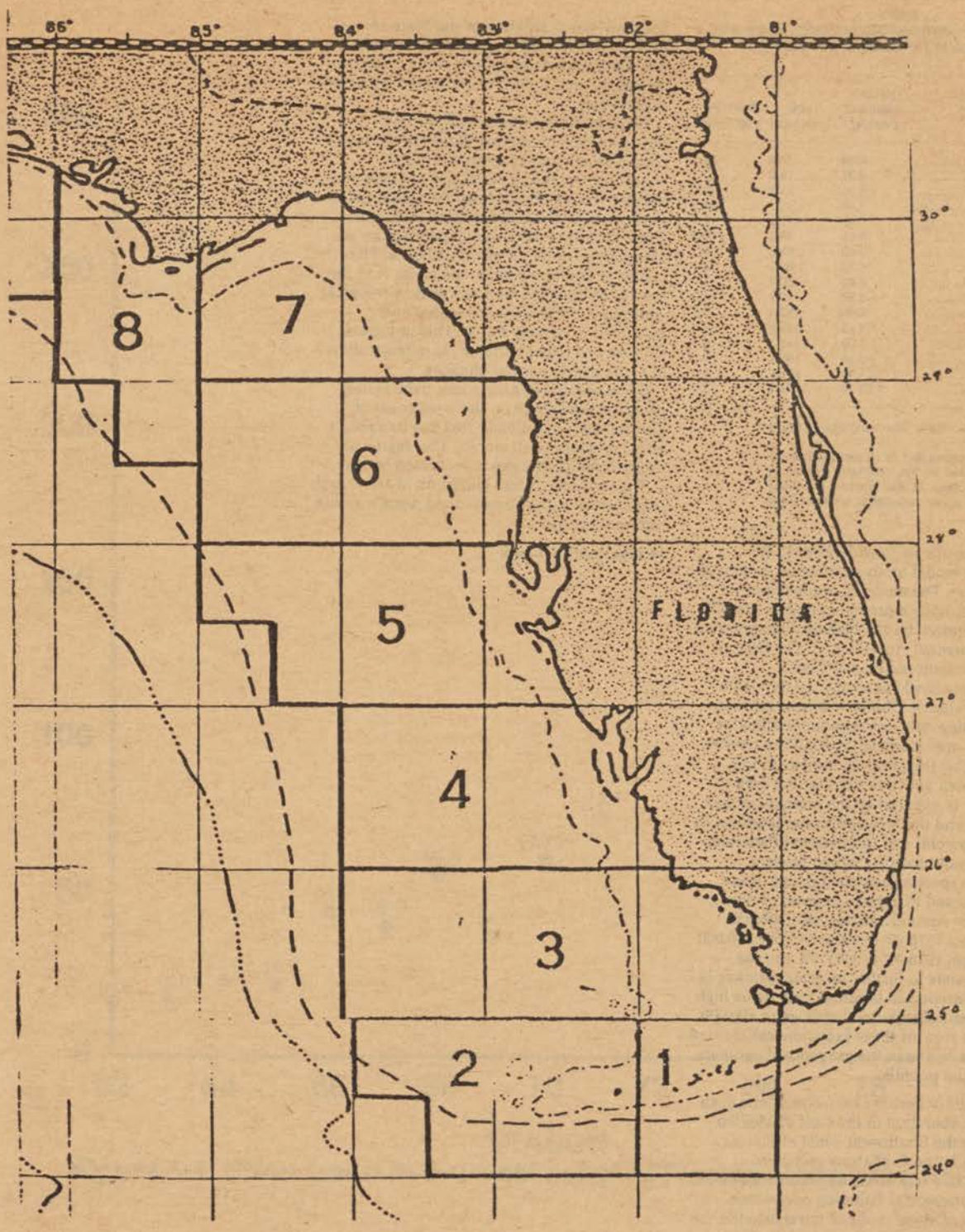

Figure 5-3. Stock area of the west coast of Florida stone crab fishery. The assessment covers zones 1 - 7.

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Table 5-2.—*Catch and effort statistics for the west coast of Florida stone crab fishery.*

Season	Catch* (millions of pounds)	Traps (thousands)	Catch Per trap** (lbs)
1962-63	0.30	14.6	20.6
1963-64	0.35	15.0	23.3
1964-65	0.35	21.0	16.7
1965-66	0.45	19.7	22.8
1966-67	0.40	43.2	9.3
1967-68	0.55	39.3	14.0
1968-69	0.60	55.9	10.7
1969-70	0.70	36.0	19.4
1970-71	0.85	60.8	14.0
1971-72	0.95	73.7	12.9
1972-73	0.90	113.3	7.9
1973-74	1.25	143.0	8.7
1974-75	1.00	159.1	6.3
1975-76	1.15	193.2	6.0
1976-77	1.45	213.8	6.8
1977-78	2.10	264.3	8.0

*Catch is claw weight. Claw weight is ½ whole weight.
**Fishermen believe that catch per trap has decreased because of the increased number of traps and because of the practice of setting traps in areas of low potential to reserve fishing rights.

Given the above considerations, a production model analysis must be employed with caution. The model is applied here simply to provide a provisional estimate of MSY as required by the Fishery Conservation and Management Act (FCMA). The fishery should be monitored closely and a reassessment made year year as new data become available. The provisional estimate of MSY, using only commercial landing for 1962–78, is approximately 1.8 million pounds (claw weight) (Figure 5–6). However, the estimate does not consider that the area of the fishery is expanding, the annual catches are rising, and that are additional landings by both commercial and recreational fishermen which are not recorded by the present statistical reporting system. Fishing areas have continued to expand beyond previous boundaries. Annual catches rose 300,000 pounds from 1975–76 to 1976–77, rose 650,000 pounds from 1976–77 to 1977–78 and the capacity exists to further increase catches in 1978–79. Unreported landings may be as high as 20 percent of reported landings or 400,000 pounds. In view of these facts, the estimate of MSY is set ⅓ above the provisional estimate, or 2.4 million pounds.

(v) *Probably Future Condition.* Stone crab stocks are abundant in the Gulf of Mexico only along the Southwest coast of Florida. Elsewhere in the Gulf stone crabs are harvested in a few areas as occasional catch in other commercial fishering operations. This catch of stone crabs in unreported in the commercial statistics. A very small recreational catch of stone crabs is propbably harvested in each of the Gulf Coast States.

To estimate the probably future condition of stone crab stocks we note first that the fishery has expanded rapidly in the past ten years. This expansion has occurred both with increased numbers of traps in the historic near-shore grounds and with sizable numbers of traps being set in new areas farther offshore. We may expect the total annual catch to stabilize in the next few years. Since the claw size regulation of the State of Florida and the regulations recommended by this plan protects immature stone crabs, the standing stock should be protected from over-explotation.

A second consideration of primary importance in predicting the probable future condition of stone crab stocks is the condition and future condition of stone crab habitat. Young stone crabs are abundant in shallow near-shore areas. This indicates stone crabs are estuarine dependent as are many crabs of the family Xanthidea. The center of abundance of stone crabs is in the area of Everglades National Park. Ecological conditions in the park are stable and predicted to remain stable. This indicates that we can expect little or no deterioration of stock due to habitat changes.

Some erosion of near-shore habitat has occurred elsewhere on the west coast of Florida, but we estimate this has had minor effect on stone crab stocks. The degree of future habitat changes is restricted by law.

The probable future condition of stone crab populations is that they should remain stable and productive.

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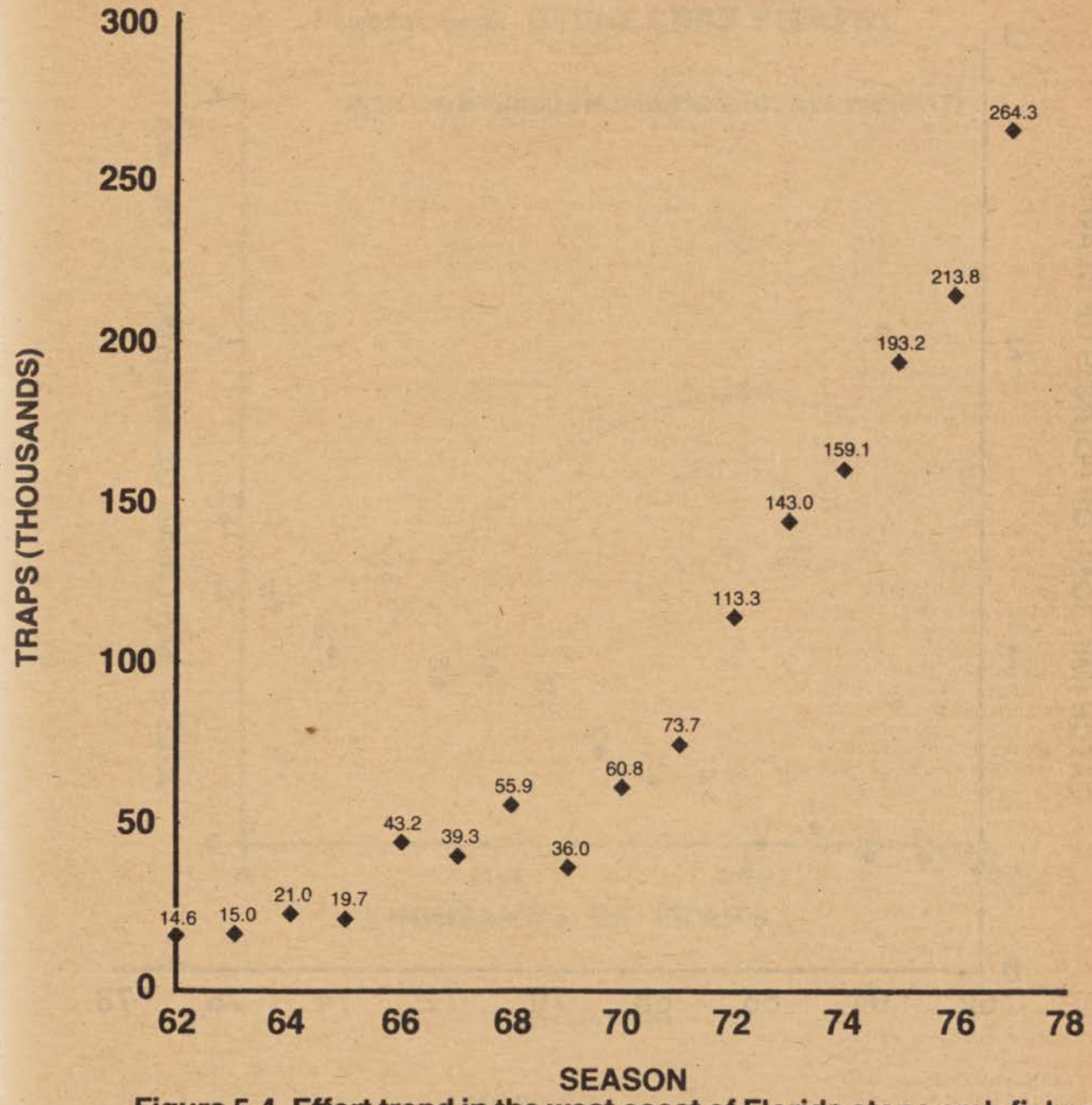


Figure 5-4. Effort trend in the west coast of Florida stone crab fishery.

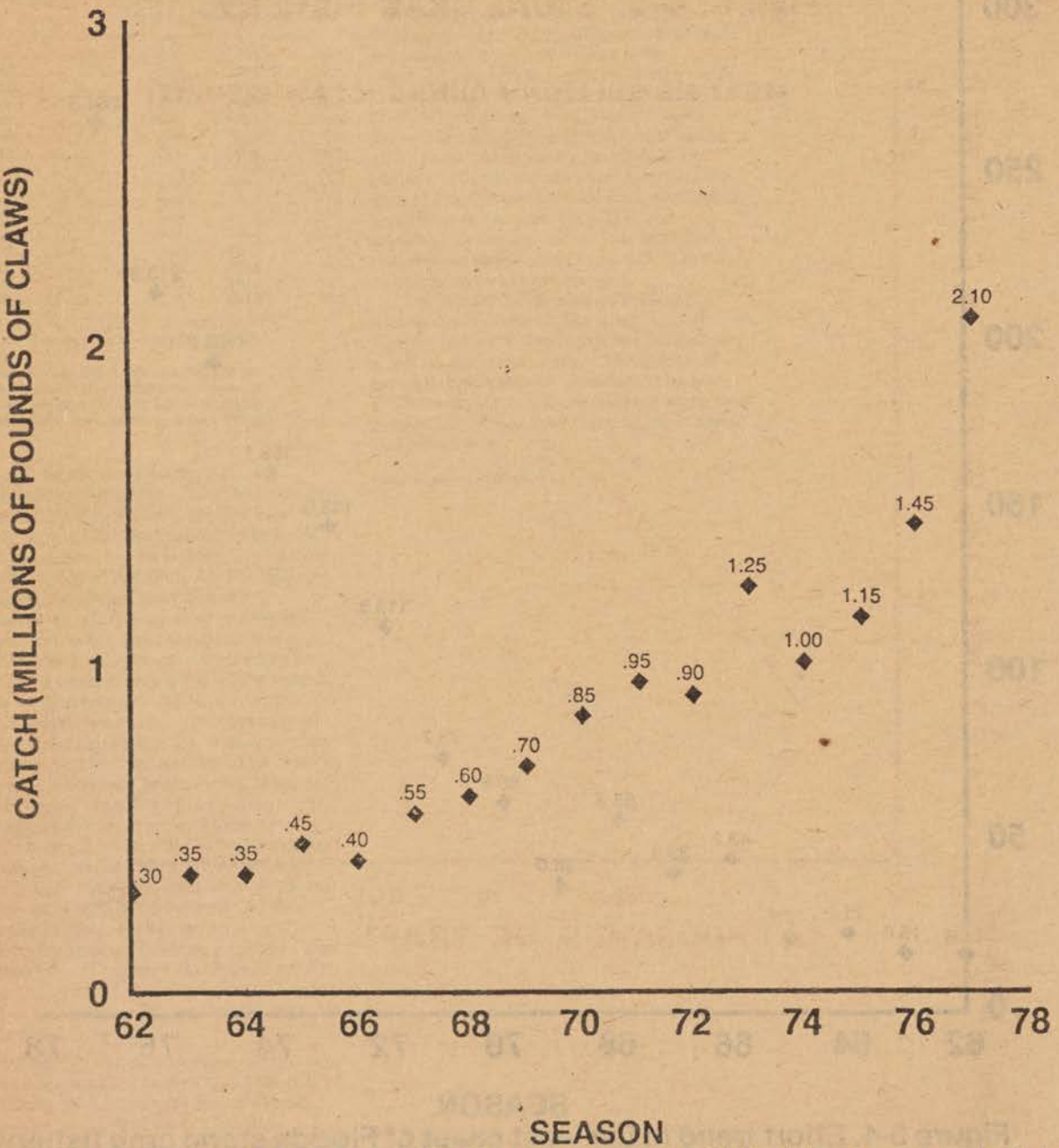
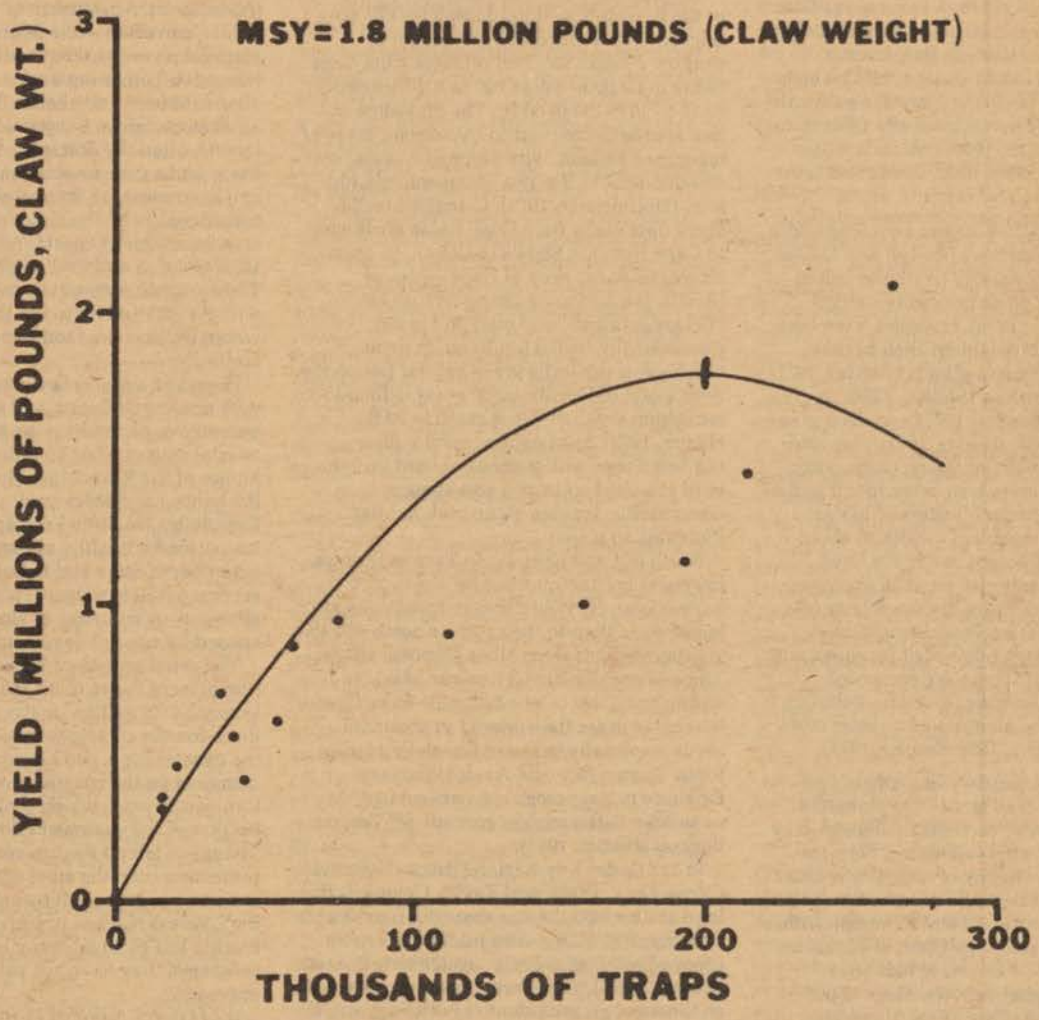


Figure 5-5. Catch trend in the west coast of Florida stone crab fishery.

Figure: 5-6 STONE CRAB FISHERY



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6. Description of Habitat of the Stock Comprising the Management Unit

(i) *Condition of the Habitat.* (A) *Description of stone crab habitat.*—a. Habitat occupied during the life history of the stone crab.

Adult stone crabs burrow under rock ledges, coral heads, dead shell, or grass clumps (Sullivan, in press). In seagrass flats (primarily *Thalassia testudinum*) and along the sides of tidal channels they inhabit burrows (McRae, 1950; Bender, 1971) which may extend 127 cm (50 in.) into the substrate (McRae, 1950). They occasionally inhabit oyster bars (McRae, 1950) and rock jetties (Whitten, et al., 1950). Flocculent sand is the least preferred habitat (McRae, 1950).

Juveniles (less than 30 mm carapace width, CW) do not dig burrows (Powell and Gunter, 1968); they utilize readily available hiding places that offer close proximity to food items (Bert, et al., 1978). Juveniles have been reported to be abundant on shell bottom, sponges, and *Sargassum* mats (Bender, 1971) as well as in channels (McRae, 1950; Manning, 1960; Bender, 1971) and deep grass flats (McRae, 1950; Bender, 1971). Hay and Shore (1918) stated that young crabs, after attaining a true crab form, were found under shell fragments in deep waters of harbor channels. After reaching a width of about one-half inch (12.5 mm), the crabs lived among oyster shells and rocks in shallow parts of estuaries. From the south jetty of Aransas Pass, Texas, Powell and Gunter (1968) found a large number of juveniles with no adults present. There are numerous reports of large juveniles—small adults (up to 60 mm CW) being abundant on oyster reefs (Menzel and Nichy, 1958; Bender, 1971).

Unlike the benthic dwelling adults and juveniles, stone crab larvae are planktonic (drifting with water currents). Although they are capable of feeble swimming, they are essentially at the mercy of water currents. Adults and juveniles appear to be hardy: they tolerate most environmental extremes within their distributional range (Bert, et al., 1978) and are capable of surviving salinities considerably higher or lower than 35 ppt (Karandeyva and Silva, 1973). However, stone crab larvae require warm water 30°C (86°F) and high salinity (30–35 ppt) for most rapid growth. Larval survival and growth rates decline rapidly below 25° C (77°F) and 25 ppt (Ong and Costlow, 1970). Thus in certain broad areas of shallow water where salinity and temperature can dramatically fluctuate, such as upper Florida Bay, larvae may have high mortality rates due to these factors alone.

b. Habitat along the west coast of Florida. The broad, gently sloping continental shelf and numerous estuarine systems of west Florida, particularly in the southwest, provide extensive habitat for stone crabs. The gentle slope of the shelf, and presence of numerous barrier islands, tend to dampen wave energy a considerable distance from the shoreline, allowing development of extensive offshore seagrass flats. In most areas there is only a thin veneer of sediment overlying bedrock, and there are numerous limestone outcroppings which support sponge and coral communities.

In the lower Florida Keys, the southernmost limit of the commercial fishery, stone crabs are taken from soft coral and sponge bottom in shallow water among the Keys. Few are caught commercially along the Atlantic side of the Keys.

The most productive habitat by far is found in the Everglades—Florida Bay (E–FB) area (Figure 8–4). Stone crabs are sought in shallow Florida Bay and offshore from Cape Sable to Cape Romano out to a water depth of 15 to 18 m (50 to 60 ft). The Shoreline in this area is characterized by a broad maze of mangrove swamp, with extensive oyster reef development in the Ten Thousand Islands area (Hoffmeister, 1974). Extensive turtle grass flats occur from Cape Sable northward to Cape Romano Shoals (Sullivan, in press). However, in the area of Cape Romano Shoals, the bottom is characterized by "flocculent sand" and mud and is not commercially fished (Sullivan, in press). Offshore of the turtle grass habitat (along the west coast of Florida turtle grass is found to a maximum depth of 6 to 9 m (20 to 30 ft); Humm, 1973), hard packed sand with scattered shell and patches of hard bottom with attached soft coral and sponge communities typifies stone crab habitat (Sullivan, in press).

North of Cape Romano to Tarpon Springs, the coast is characterized by a series of barrier islands. Wave energy conditions are higher here than to the south or north due to a greater offshore ramp slope (Brooks, 1973). There is usually 20 feet or more of water within one-third to one-half mile from shore. Extensive grass flats prevail in sheltered areas, especially in lower Charlotte Harbor, lower Tampa Bay and Anclote Estuary. Offshore outcroppings are particularly numerous in the sponge grounds off Tarpon Springs (Humm, 1973).

In the Cedar Key Region (Pasco, Hernando, Citrus, Levy, Dixie, and Taylor Counties) the land grades into the sea through an extensive development of *Spartina* tidal flats, and in areas of reduced salinity, oyster bars flourish (Brooks, 1973). There are extensive areas of shallow water, with depth in offshore areas increasing about one foot per mile. Humm (1973) noted that in this area, seagrass beds may form a bank that is 10 to 15 miles wide. As is common along the west Florida coast, subdued rock outcroppings are found offshore.

In the Panhandle region of Florida stone crab landings are small compared to landings in the Everglades-Florida Bay area. Barrier islands occur along the Apalachicola delta and the offshore area is characterized by shoaling and offshore rock outcrop.

Unfortunately, although general habitat types have been indicated (e.g., hard packed sand, rock out croppings, and grass flat), no information is available on the percentages of various bottom types found on the continental shelf of west Florida. In fact, the extent of the habitats described here is very poorly known, and there are no quantitative estimates of the area occupied by either seagrass beds or offshore rock outcroppings.

(B) *Factors affecting habitat productivity and probable future condition.*—The productivity of west Florida's coastal waters, which supports stone crabs in commercial quantities, is basically dependent upon the estuaries and seagrass beds that abound along the coast. Nutrient rich, freshwater runoff flowing into the estuaries fertilizes the seawater, resulting in high seagrass and phytoplankton productivity. Lower salinity (which can often exclude predators) and plentiful phytoplankton are ideal for oysters, worms and other organisms. These provide abundant food and shelter for juveniles and adult stone crabs. Seagrasses and mangrove forests, often the dominant features in near-shore and estuarine environments, and the epiphytic algae on them are generally considered to be the major producers of organic matter in coastal ecosystems (Humm, 1973; Goering and Parker, 1972; Heald, 1971). They provide protective covering, and along with the phytoplankton in the surrounding water, support the food items of the stone crab.

However, coastal development by man, with ensuing pollution and dredge and fill operations, can reduce the productivity of coastal ecosystems. To date, the undeveloped nature of the lower west Florida coast and the habitat and stock protection provided by Everglades National Park appears to have maintained a healthy system. Also, there are a number of state and federal laws [see section 6.(iii)] which are intended to eliminate or minimize environmental damage caused by coastal development in the future.

The rapid growth of Florida's population (the present figure of 8.5 million is expected to reach 13.5 million by the year 2000), with three-fourths of its new residents settling in the coastal zone, can be expected to put more demands on the coastal ecosystem. The Big Cypress Swamp, which protects a significant portion of the watershed flowing into the Ten Thousand Island Region, receives some protection from the state areas of critical concern program, and by establishment of the Big Cypress Natural preserve. Also, although Florida has planned many habitat protection programs, they have not yet been formally approved.

(ii) *Habitat Areas of Particular Concern.* Apparently, shallow, inshore grass flats serve as important spawning areas. Bender (1971) found that females spawn in shallow, grassy areas during the spring, and summer with peak numbers of ovigerous females occurring in July and September. During the summer, females dominated the grass flat stone crab population, with males being more abundant in channels (McRae, 1950; Bender, 1971). Bender (1971) noted that conditions on the grass flats during the summer are optimum for spawning females and stone crab larvae. Food is abundant for reproductively active females (Bender, 1971), and prevailing high temperature and salinity are optimum for larval growth and development (Ong and Costlow, 1970).

Furthermore, these same shallow grass flats are important mating areas. Several investigators (Bender, 1971; McRae, 1950; Noe, 1967; Sullivan, in press) and fishermen have noted an inshore movement of stone

crabs, especially males, after the spawning season. Evidently, a large population of males move into the shallow grass flats to mate with resident female crabs (Bert, et al., 1978) and young recently matured females that move onto nearshore areas earlier in the summer (Bender, 1971). Bender suggested that two stone crab populations exist: an offshore population, comprised mostly of males, which migrates inshore in the early winter for mating; and an inshore population, comprised mostly of females, which remains inshore all year and spawns from March to October. This observation by Bender contrasts with observations by commercial fishermen.

The nursery areas for juveniles are not yet clearly defined. Observations presented elsewhere (Section 6 (i)] suggest oyster bars support populations of large juveniles and small adults. Conditions in such areas appear to be ideal for young stone crabs. Shelter is abundant for young, non-burrowing stone crabs and food is plentiful to ensure rapid growth and development. However, other observations (Bender, 1971; McRae, 1950) have also noted an abundance of juveniles on deep grass flats. Many juveniles may simply remain hiding among scattered debris and seagrasses until they reach sexual maturity.

These observations on spawning, mating, and nursery areas all point to the importance of grass beds and inshore oyster bar habitat to the life history of the stone crab. Therefore they should be considered as particularly important to the stone crab fishery. More specifically, it is significant to note that, there is extensive oyster bar habitat in the Ten Thousand Island Region of southwest Florida (Gary Davis, pers. comm). This area may be a vital nursery area that significantly contributes to the offshore stone crab fishery. A large portion of this area is protected by Everglades National Park and Big Cypress National Preserve and if the integrity of the Park is maintained a large part of the area will remain intact.

(iii) *Habitat Protection Programs.* (A) *Coastal Zone Management programs.* There are no approved Coastal Zone Management Programs within the region.

(B) *Existing Federal programs.*—a. Rivers and Harbors Act of 1899 (33 U.S.C. 407). This act prohibits the alteration of any navigable water of the United States unless the work is authorized by the Secretary of a permit issued by the Army Corps of Engineers which must relate its permitting review to other significant Federal laws.

b. An Act to Establish a National Park Service, 1916 (16 U.S.C. 1) established a National Park Service, to conserve and protect wilderness areas for the enjoyment of future generations. In the management area being considered, Everglades National Park, (16 U.S.C. 410–410r) is an extremely important habitat protection program.

c. Wildlife Restoration Act of 1937 (16 U.S.C. 669–669i) authorized the Secretrary of Interior to cooperate with state fish and game departments, and provide financial aid for wildlife restoration projects meeting federal standards.

d. Fish Restoration and Management Projects, 1950 (16 U.S.C. 777–777k) provides monies to state fish and game departments for fish restoration and management.

e. Atomic Energy Act of 1954 (42 U.S.C. 2011). National Marine Fisheries Service reviews proposals for nuclear projects (primarily power plants) located in areas where they may effect living marine resources.

f. Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j) declares that fish, shellfish, and wildlife resources of the Nation make a material contribution to the health, recreation and well being of U.S. citizens. This Act authorizes programs and ivestigations that may be required for the development, management, conservation, and protection of the fishery resources of the U.S.

g. Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661–666c) Stipulates that the U.S. Fish and Wildlife Service, and the state agency having responsibility for fish and wildlife, evaluate the effects on fish and wildlife of dredge and fill activities which require Corps of Engineers permits. The district engineer cannot issue a permit in the face of unresolved objections based on fish and wildlife considerations. In such cases, the matter must be referred to the respective Secretary for final decision.

h. Commercial Fisheries Research and Development Act of 1964 as amended (16 U.S.C. 779–779f). Authorizes the Secretary of Commerce to cooperate with the states, through their respective state agencies which regulate commercial fisheries, in conducting studies of fishery resources. Funds made available are used to supplement, and to the extent possible, increase the amounts of state funds that would be available for commercial fisheries research and development in the absence of these federal funds.

i. Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460d, 4601–4601–7). This Act, administered by the Bureau of Outdoor Recreation of the Department of the Interior, was established to make Federal funds available to states on a fifty-fifty matching basis for outdoor recreation projects.

j. Estuaries and their Natural Resources Act of 1968 (16 U.S.C. 1221–1226). Authorized the Secretary of Interior to conduct a study and inventory of the nation's estuaries. Provides that all Federal agencies, in planning for the use or development of water and land resources, shall give consideration to estuaries and their natural resources; and the state and local subdivisions are to be encouraged to take into account the needs and opportunities for protecting estuaries in the development of plans which involve various Federal-State grant-in-aid programs.

k. National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347). Requires filing of Environmental Impact Statements (EIS) on proposals for legislation and other Federal action which significantly affect the quality of the human environment. Preparation of the EIS requires applicants to consider alternative approaches that eliminate or minimize adverse environmental impacts.

l. Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221). Deals with transportation and pollution problems resulting from operation and casualties of vessels carrying oil or other hazardous substances. It is designed to protect the living resources, recreational resources, and scenic values of coastal waters.

m. Federal Water Pollution Act, and Amendments of 1972 (33 U.S.C. 1451). Requires, among other things, that states, and regions engage in land use planning to control the location of new sources of pollution, including sources which pollute runoff waters and underground aquifers, and restrain the dredging and filling of wetlands or other waters without a permit from the Army Corps of Engineers. Discharge of effluents is regulated by the Environmental Protection Agency, and at the state level is regulated by the Department of Environmental Regulation in Florida.

n. Marine Protection, Research and Sanctuaries Act of 1972, commonly referred to as the "Ocean Dumping Act" (33 U.S.C. 1401–1444). This Act regulates the transportation from the United States of material for dumping into the oceans, coastal, and other waters, and the dumping of material from any source into waters over which the United States has jurisdiction. Title III of this Act authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological, or aesthetic values. Marine sanctuaries may be designated from the intertidal zone to as far seaward as the outer continental shelf. Management plans established by a Regional Fishery Management Council and the Secretary of Commerce can be expressly established as consistent with the sanctuary's purpose and can therefore remain fully in effect. However, under particular circumstances, additional restrictions could be adopted under the Act following consultation with the council.

o. Coastal Zone Management Act of 1972 (16 U.S.C. 1451). Establishes a national policy "to preserve, protect, develop, and where possible, restore or enhance the resources of the Nation's coastal zone for this and succeeding generations." The Act provides financial assistance to states in developing and implementing management plans for their coastal area (state participation in the program is voluntary). If the state program meets with Federal requirements it will receive a grant to implement the program. Once a state program has been approved, federally funded or permitted projects must be consistent with the state coastal management program to the maximum extent possible. The Act also authorizes the Secretary to make available to a coastal state grants for the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within estuaries of the coastal zone.

p. Deepwater Port Act of 1974 (33 U.S.C. 1501–1524) Establishes procedures for the location, construction, and operation of deepwater ports off the coasts of the U.S.

q. Fishery Conservation and Management Act of 1976 (16 U.S.C. 180) Establishes a fishery conservation and management regime

to be implemented by the Secretary of Commerce. Establishes a fishery conservation zone extending from the limits of the territorial sea to 200 nautical miles from the baseline from which the territorial sea is measured. The Act defines fishery resource to include "any habitat of fish," and enjoins the Secretary to carry out a research program which must include ". . . the impact of pollution on fish, the impact of wetland and estuarine degradation, and other matters . . .".

(C) *Existing state laws.*—a. Aquatic Preserves of 1975 Program (Chapter 258.35–258.46 Florida Statutes). Established 31 aquatic preserves (800,000 acres along the Florida coastline) in order to protect, preserve, and allow for public enjoyment of certain state-owned submerged lands of exceptional quality and value. This program, which is administered in the division of Resource Management (FDNR), operates in two essential ways: 1) the discouragement of the sale of state-owned valuable aquatic acreas; 2) strict regulation of activities and alteractions in established Aquatic Preserves.

b. Beach and Shore Preservation Act (Chapter 161 Florida Statutes) was enacted to control erosion by: providing beach nourishment and erosion control and establishing setback lines for construction on the sand beaches.

c. Florida Air and Water Pollution Control Act (Chapter 103; Part I, Florida Statutes). Much of this Act is similar to the Federal Water Pollution Act of 1972 (see above) with which it was intended to be consistent. Basically, it gives the Department of Environmental Regulations (DER) the power to control air and water pollution; requires development of long-range plans for air and water quality control and authorizes a permitting program for discharges into state waters. Also, provisions of Chapter 2S3, Florida Statutes, requires DER to review applications to dredge and fill based upon the expected impact on state owned lands.

d. Florida Electrical Power Plant Siting Act (Chapter 403.501–403.516 Florida Statutes). This Act established procedures and regulations concerning electrical power plant siting in Florida and is intended to provide that "the location and operation of electrical power plants will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life."

e. Florida Environmental Land and Water Management Act of 1972. (Chapter 380, Florida Statutes). The areas of critical state concern program was authorized by this Act. The intent of program is to identify particular geographic areas which are of statewide or regional significance and assure that local land development regulations are sufficient to protect the unique characteristics of the area. Local development regulations are reviewed by the Division of State Planning to assure that regional or statewide concerns are met. To date, three areas—Big Cypress Swamp, Green Swamp, and the Florida Keys—have been designated as Areas of Critical State Concern.

f. Florida Water Resources Act of 1972 (Chapter 373, Florida Statutes). This is the prinicipal statute providing for water management in the state. Five water management districts (WMD's) are established in Florida to implement the Act. The WMD's are given a wide range of power, and among other things, they must manage water resources to ensure continued productivity of the State's coastal waters. Also, Section 373.036 Florida Statutes, requires that the WMD's develop a state water use plan as soon as possible.

g. Land Conservation Act of 1972 (Chapter 259 Florida Statutes). Declares the state's intent to protect and conserve environmentally unique and irreplaceable lands as valuable ecological resources of the state. The Act charges the Executive Board of the Department of Natural Resources with the preparation of a comprehensive plan to conserve and protect environmentally endangered lands, and it authorized $240 million in bonds (200 million for the purchase of endangered lands and 40 million for new parks).

h. Oil Spill and Pollution Control Act (Chapter 376.011–376.21 Florida Statutes). This statute empowers the Department of Natural Resources to: a) deal with the hazards and threats of oil spills; b) require the prompt containment and removal of pollutants spilled; and c) inspection and supervision of those activities which may result in spills.

i. Local Government Comprehensive Planning Act of 1975 (Chapter 163.3161–163.3211 Florida Statutes). This law stipulates that municipalities and counties must prepare and adopt a comprehensive development plan, which in the coastal areas must include a coastal zone protection element by July 1, 1979.

(D) *Existing county programs.*—a. Monroe County:

1. The Monroe County Shoreline Protection Ordinance (No. 17–1–75) was designed to maintain the functional integrity of mangrove communities and to preserve marine productivity. It establishes a shoreline protection zone with the interior boundary at a line extending 50 feet laterally from the landward limit of the shoreline mangroves. Uses and activities in this zone are restricted.

2. The Major Development Ordinance (No. 21–1975) requires Community Impact Statement that evaluates a given major development project's impact on the overall environment and ecology.

b. Collier County:

1. The Special Treatment Areas Ordinance (Section 9 of the Zoning Ordinance for the coastal area planning district of Collier County) of Collier County provides for the indentification of ecologically important areas (e.g., mangroves, estuaries) and the establishment of ordinances and standards for development in these areas.

7. Fishery Management Jurisdiction, Laws, Policies

(i) *Management Institutions.* Stone crab stocks are managed within state territorial waters by state conservation agencies. Within the Gulf of Mexico area these are: Alabama—Department of Conservation and Natural Resources, headquarters in Montgomery. Florida—Department of Natural Resources, headquarters in Tallahassee. Louisiana—Wildlife and Fisheries Commission, headquarters in New Orleans. Mississippi—Marine Conservation Commission, headquarters in Biloxi. Texas—Parks and Wildlife Department, headquarters in Austin. Stone crab stocks within the boundaries of Everglads National Park are managed by the U.S. Department of Interior, National Park Service.

Stone crab stocks within the Fishery Conservation Zone (FCZ) beyond state territorial waters will be managed by the U.S. Department of Commerce based on the plan submitted by the Gulf of Mexico Fishery Management Council.

(ii) *Treaties or International Agreements.* Currently there are no treaties or international agreements which apply to stone crab stocks of the Gulf of Mexico.

(iii) *Federal Laws, Regulations and Policies.* The Fishery Conservation and Management Act of 1976 (Public Law 94–265) defines specific procedures for management of fisheries which lie within the Fishery Conservation Zone (FCZ). Prior to enactment of this law no statutory authority was available to manage stone crabs in waters which lie beyond the Gulf states territorial seas.

The Endangered Species Act of 1973 (P.L. 93–205) is for the conservation of endangered and threatened species. Because of the possibility that manatee and sea turtles may become entangled in stone crab gear, the Gulf of Mexico Fishery Management Council requested a Section 7 threshold consultation with Fish and Wildlife Service and the National Marine Fisheries Service. The opinion derived from the consultation was that the proposed management regulations contained in the Stone Crab Plan are not likely to jeopardize the continued existence of any threatened or endangered species; or result in the destruction or adverse modification habitat determined to be critical to such species.

Marine Mammal Protection Act of 1972 (P.L. 92–522) is for the conservation and protection of marine mammals. There are no records of marine mammals other than the manatee having been adversely affected by activities of the stone crab fishery. The biological opinion from a Section 7 threshold consultation under the Endangered Species Act stated that the management regulations of the Stone Crab Plan are not likely to jeopardize the continued existence of the manatee.

Other federal laws also affect the stone crab resources, fishery, and industry. The Submerged Lands Act (43 U.S.C. 1301–1343) established the rights of States to title and ownership of natural resources, including fish, within the boundaries of the respective States. The Estuarine Areas Act (16 U.S.C. 1221–1226) coordinates with the State to provide for protection, conservation, and restoration of resources of estuaries in the United States. The Federal Water Pollution Control Act (33 U.S.C. 1215–1376) sets water quality standards for effluent limitations.

These laws are important because a critical habitat of stone crabs is coastal estuaries within State boundaries.

The Coastal Zone Management Act (16 U.S.C. 1451–1464) encourages States to develop coastal zone management programs supported by a federal funding system. This objective is to be attained by assisting the states in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of greater than local significance. Intergovernmental cooperation is thus encouraged with respect to both creation and implementation of the management program.

The Coastal Zone Management Act sets forth four situations in which a federal agency or federal licensee or permittee is required to conduct its activities in a manner "consistent" with state management programs which have received approval from the office of Coastal Zone Management. First, each federal agency "conducting or supporting activities directly affecting the coastal zone" and any federal agency "which shall undertake any development program in the coastal zone" shall ensure that the project is *"to the maximum extent practicable,"* consistent with approved state management programs. Second "any applicant for a required federal license or permit to conduct an activity affecting land and water uses in the coastal zone" shall provide in the application a certification that the proposed activity complies with the state's approved program. Third, any person who submits "any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act" shall certify that such activity will be consistent with the approved state program. Fourth, state and local governments submitting applications for federal assistance under other federal programs affecting the coastal zone shall indicate the relationship of such activities to the approved management program of the coastal zone.

In light of these requirements and the probability that any fishery management plan would "directly affect" or "be carried out in" the coastal areas, 50 C.F.R. Part 601.21 (b)(3), as published in 42 Fed. Reg. 334453 provides:

Coastal Zone Management Act of 1972, as Amended (16 USC 1451 et seq.)

"The principal objective of this Act is to encourage and assist States in developing coastal zone management programs, to coordinate State activities, and to safeguard the regional and national interests in the coastal zone. While the coastal zone does not extend beyond the territorial sea, activities taking place beyond the territorial sea may impact on the coastal zone and thus come within the influence of fishery management plans. Councils should be particularly cognizant of the provisions of Sec. 307 (C) of the Act that require that any Federal activity directly affecting the coastal zone of a State be consistent with the State's approved coastal zone management program. Thus, Councils will need to coordinate their planning actions with the appropriate State agencies involved in coastal zone program development."

The Fishery Conservation and Management Act (FCMA), the other Federal laws which establish State rights and responsibilities, and the Coastal Zone Management Act (CZMA) which provides a tool for coastal zone management, all stress the importance of state and federal cooperation in managing fishery resources such as stone crabs which are not confined to a single area of jurisdiction.

The National Environmental Policy Act of 1972 (42 U.S.C. 4321–4347) requires that the Federal Government recognize and consider the impact or major Federal actions on the environment. Fishery management plans are generally considered to be major Federal Actions. Preparations of a fishery management plan thus requires examination of impacts of the proposed action on the human environment, assessment of adverse environmental effects, and thorough review of alternatives to the proposed action.

Federal legislation affecting the stone crab industry is in the area of domestic commerce, direct financial assistance to the industry, labor, and vessels. The Federal Ship Financing Act of 1972 (46 U.S.C. 1271–1280) set up a fund for federal ship mortgage insurance. Stone crab vessels in the Gulf of Mexico have not been financed under this program. However, some shrimp vessels which have the capability of fishing for stone crabs have been so financed.

Title 36 of the code of Federal Regulations Chapter 1 Section 7.45 (g) prohibits harvest of female stone crabs, males with a claw less than 4½ inches (total length), or from inshore areas of Everglades National Park. It also requires permits to fish up to 400 traps in the Park and requires that the trapping be begun and ended at 14 day intervals.

Other Federal laws relate to stone crabs in a peripheral way.

(iv) *State Laws, Regulations, and Policies.* Since the stone crab fishery is limited primarily to coastal waters of Florida, the laws, regulations, and policies of this state have major impact upon the management of this fishery. Regulatory agencies of the State of Florida conduct marine fisheries research, develop management policies, enforce marine laws, counsel the legislature on fisheries' problems, but do not independently enact fisheries' regulations. Stone crab fishery laws are in yearly editions (from 1929 to present) of the Laws of Florida, primarily in Chapters 370.13 and 370.14. These laws are also referenced in the statues of Florida (Chapters 370.13 and 370.14).

For 50 years the State of Florida has regulated the stone crab fishery in her coastal waters by legislating various laws. The minimum size is set to ensure crabs are two years old, and potentially have spawned one season, before entering the fishery. Declawing and return of the live animal to the water was promulgated as a conservation measure. Subsequent studies by Florida Department of Natural Resources, Marine Research laboratory (Savage and Sullivan, 1978; Sullivan, 1978) showed that a small percentage survive and regenerate claws to commercial size. Closure during the spawning season was promulgated for the protection of breeding crabs. Trap limits and gear restrictions attempt to allocate landings among fishermen and reduce wasteful gear. Regulations requiring traps to be visibly marked and not to be navigation hazards reduce conflict between fishermen and boaters. The registration and marking of boats and gear facilitates administration and enforcement in the fishery.

(A) *Seasons and time of day.*—In 1929 (Laws of Florida, 1929), it bacame unlawful to possess any stone crab between the 21st day of March and the 21st day of July. Closed seasons of four to six months duration changed from these original limits through intervening legislation to April 15—October 15 (Laws of Florida, 1953), and June 1—October 15 (Laws of Florida, 1963), to the present closed season of May 15—October 15 (Laws of Florida, 1969). Traps can only be transported, placed in the water and baited ten (10) days prior to the opening of the stone crab season and have to be removed within five (5) days after the close of the season (Laws of Florida, 1971). Traps in violation of this restriction are seized and destroyed.

Current restrictions on working traps only during daylight hours were legislated in 1977 (Laws of Florida). Pulling traps from one hour after official sunset until one hour before official sunrise is prohibited.

A closed season during spawning is a conservation measure that limits landings on a short-term basis but eventually contributes to increased stocks and, by implication, landings. It affords protection to breeding crabs. Daytime fishing aids enforcement.

(B) *Areas.*—Area restrictions on stone crab fishing were imposed by 1935 legislation prohibiting the catching or taking of stone crabs in the waters of the State of Florida lying south of latitude 25°50' N by the use of traps, lobster pots or other equipment of like nature and provided a penalty for the violation (Laws of Florida, 1935).

This area restriction was effective for 21 years (Laws of Florida, 1961). It is unlawful to place any crab trap in a navigation channel maintained by the Corps of Engineers or any county or municipal government (Laws of Florida, 1973). Obstruction of navigation of boats drawing three feet of water by stone crab traps is also prohibited.

The effect of the 1935 moratorium on stone crab fishing in Florida Bay is not clear. Also, it is not clear what caused original concern for these stocks, but this area now supports heavy commercial fishing pressure. Keeping traps from navigation channels and from shallow waters is a safety measure that reduces conflict between stone crab fishermen and other boaters.

(C) *Gear and vessels.*—Regulations against using spears, gigs or similar devices were introduced in 1953 (Laws of Florida, 1953) and are still in effect. Later legislation outlawed the use of grains, grabs and hooks in the capture of stone crabs.

Any trap with a throat or entrance exceeding four inches in width and six and one-half inches in length cannot be fished, set, or placed in Florida's waters (Laws of Florida, 1971). Buoy specifications were designated that included continuous flotation,

easy visual discrimination, marking with current permit holder's number at least three inches high on each buoy and trap, and the permit to remain on the boat with the operator subject to inspection at all times. An addendum in 1973 required that color and permit number be permanently and conspicuously displayed on the boat. Later changes specified that boat designations had to be readily identifiable from the air and water (Laws of Florida, 1977). Any violation can result in suspension or revocation of permit and a misdemeanor conviction punishable by fine or imprisonment in addition to confiscation of any gear equipment, boats, vehicle or in item used in the violation.

Buoy specifications and marking serve a variety of purposes. They aid fishermen and enforcement officers in reducing trap molestation which carries a misdemeanor penalty, reduce the hazard during daylight hours to navigation, and are a visual marker for the owner to locate his lines.

There are presently no regulations by the State of Florida on size, type or number of vessels in the stone crab fisheries.

(D) *Possession of crabs.*—In 1929 it became unlawful to possess or sell any stone crab smaller than ten inches long with claws extended (Laws of Florida, 1929). These measurements changed through intervening legislation to a claw length not less than four inches (Laws of Florida, 1953), to a length of four and one-quarter inches measured by the closest distance between the bottom of pincher closed and the knuckle joints that meets the body with claw extended (Laws of Florida, 1971), to present restrictions of a forearm (Propodus) of two and three-quarters inches (7 cm) in length measured by a straight line from elbow to tip of the lower immovable finger (Laws of Florida, 1973).

The general management policy of fishing mature animals, except during a closed spawning season, prevails in the majority of fishery legislation of Florida. The present minimum size limit is a conservation measure allowing stone crabs to reach maturity and spawn before entering the fishery at about two years of age. Studies determining whether this is at or near the size to optimize yield per recruit would be desirable to determine the best size for processing economics. The Florida laws were amended in 1973 to prohibit the transport by boat, land vehicle, airplane or other conveyance of any intact stone crab or stone crab body whether dead or alive, allowing only claw removal with immediate return to the water of live animals in the same area where taken. Whole stone crabs can be possessed or tranported solely for educational or scientific purposes and only with permit from the Division of Marine Resources. This regulation is a departure from present Federal regulations within the Everglades National Park (7iii), requiring possession of whole crabs.

Regulations against taking or possessing female stone crabs at any time were introduced in 1953 (Laws of Florida, 1953). The prohibition against taking females was repealed 20 years later (Laws of Florida, 1973). Federal regulations for Everglades National Park waters conflict, however, allowing only male stone crabs to be taken.

Regulations protecting females are a conservation measure that is enforceable only if the whole crab is landed. Changes in the regulations prohibiting possession of whole crabs enabled fishing all adult crabs above the minimum size limit. Return of declawed, live crabs to the water is a conservation measure that potentially can allow individuals to return to the fishery by regenerating claws and spawning before natural mortality. The impact of this management practice on individual declawed crabs, within the stone crab populations or between other members of their benthic community have not be determined. It effectively solved the immediate problem of dockside disposal of dead crab bodies not being utilized by processors. Processors and dealers now receive their products ready for cooking and immediate sale.

(E) *Permits and licenses.*—A permit system, without fee, is in effect in Florida's territorial waters. A person acquiring ownership of stone crab traps from another party has to notify the Division of Marine Resources within five (5) days and request a transfer of the stone crab permit (Laws of Florida, 1974).

Permitting aids administration and yields some fishery data. Data on number of permits, number of boats, and some information on number of traps are currently available.

(F) *Processing.*—Extensive regulations for the dealers of stone crab products were promulgated in 1976, (Laws of Florida, 1976). Sworn reports of the quantity in pounds of frozen stone crab claws and frozen crabmeat are required to be reported to the Division of Marine Resources within three days after the commencement of the closed season for the fishery. Any reports postmarked later than midnight of the third day may not be accepted and frozen stocks confiscated. Any dealer reporting a greater or lesser amount than is in his possession or name is considered in violation and subject to seizure of his entire supply. Reported stocks may then be sold; however, additional inventory reports on the 1st and 15th day of each month are required throughout the duration of the closed season. Reports postmarked later than midnight of the 2nd and 16th each month may not be accepted and stock may be impounded for the remainder of the closed season.

These regulations are all for enforcement and administration of landings and stock inventories for legal sale during closed seasons. Crabs are marketed year round.

(G) *Enforcement.*—The enforcement of Florida's statutes in regard to any marine fishery is the responsibility of the Division of Law Enforcement, Florida Marine Patrol, within the State's territorial waters extending three nautical miles from the historic coastline of the State on the Atlantic side and to three leagues (approximately nine nautical miles) on the gulf side. These boundaries were fixed by the Constitution of the State of Florida in 1885. The State has the power to govern its own citizens upon the high seas "with respect to matters in which the State has a legitimate interest" (Case of *Lambiris Skiriotes* vs. *State of Florida*, 313 US 69–79, 1940). The Fishery Conservation and Management Act of 1976 (Pub. Law 94–265) established a Fishery Conservation Zone contiguous to the territorial seas of coastal states. Enforcement of that Act's provisions governing foreign fishing in the waters from three to nine nautical miles off the coast of Florida in the Gulf of Mexico, by agreement between the governments of the United States and the State of Florida (1976), is the jurisdiction of the Florida Marine Patrol in conjunction with the Coast Guard and the National Marine Fisheries Service.

Personal communication with Colonel Clifford Willis, Director of the Division of Law Enforcement for the Florida Department of Natural Resources, outlined current enforcement problems regarding stone crab regulations. In general, present regulations are enforceable and are being strictly enforced, with one exception. As a matter of Department policy, enforcement officers have not been holding commercial fishermen too closely to adherence of the regulation prohibiting retention of live crabs on deck. This evolved from the difficulty of fishermen with a large number of traps, in declawing and returning crabs immediately to the water using present methodologies. It is generally accepted that immediate declawing and return is a slower process than holding crabs on deck until the entire trap line is fished, then declawing and returning to the water while underway. Colonel Willis notes that since desiccation time has been shown to effect the survival rate of returned animals (Schleider, 1978), he anticipates a stronger enforcement policy is desirable and his office will be responding more firmly. He is also concerned that stone crabs are fished well beyond the territorial sea (up to 30 miles from the coast) and the fishery is not presently regulated outside the nine nautical mile limit. Extension of stone crab management into the Fishery Conservation Zone would allow enforcement agencies to regulate the entire fishery stock; however, Federal help will be needed to enforce regulations in the extended zone.

(v) *Local and Other Applicable Laws, Regulations, and Policies.*—County exclusions to applicability of state laws, although technically not local laws, were introduced in 1929 and continued in force for 40 years. Closed-season restrictions were not applicable for the person or persons catching stone crabs for their own use and personal consumption within the waters of Levy County and St. Johns County (Laws of Florida, 1929). Successive legislation added to the following county exclusion of the stone crab closed season: Manatee County (Laws of Florida, 1949), Hernando, Washington and Holmes Counties (Laws of Florida, 1955), Dixie County (Laws of Florida, 1961) Citrus County (Laws of Florida, 1963), and Collier County (Laws of Florida, 1965). Provisions in stone crab laws for 1965 allowed the possession of stone crabs for personal consumption at all times in any county of the state having a population of not less than 15,700 and not more than 16,400 and in any county with a population of not less than 10,000 and not more than 10,800, according to

the latest official census. These exceptions were specifically repealed by legislation in 1969.

An act limiting the number of traps which may be used for stone crab fishing on any one boat (600 trap maxima per boat) in Citrus, Dixie, Levy or Taylor counties is a current state law (Laws of Florida, 1973) applicable to only a portion of the state populace and may be interpreted as local law. It is the only example of state legislation limiting the number of traps. It should be noted that this act only restricts the number of traps set by a fisherman in county waters and does not restrict or prevent him from setting any number anywhere else in territorial waters.

Contact with officials in Gulf states other than Florida and a preliminary review of state regulations indicates few if any regulations pertain specifically to stone crabs.

8. *Description of Fishing Activities Affecting the Stock Comprising the Management Unit*

(i) *History of Exploitation.* Stone crabs were fished for food and recognized as a delicacy since the 1800's in certain Atlantic and gulf areas of the United States. In west Florida coastal areas the stone crab supplied a "considerable share" of food to the inhabitants. Tebeau (1968) noted that settlers of the Everglades were frequently cut off from external food sources and relied heavily upon local seafood items, such as stone crabs. Stone crabs, however, were known only in localized areas of catch such as Key West and Fernandina, Florida; Charleston, South Carolina; and Beaufort, North Carolina. Catches were made by hand, dip net, and traps (Rathbun, 1884, 1887). In Key West, stone crabs were caught in traps incidental to the spiny lobster fishery. Schroeder (1924) states, ". . . the Key West catch varies from about 10 to 50 dozens a day during the winter and spring season . . . Small crabs measuring about 3 inches in width across the carapace, sell at retail for about $1.00 a dozen, while those 4 or more inches in width bring from $1.50 to $2.00". Landings in Monroe County ranged from 2,123 kg (4,680 lb) in 1895 to 9,979 kg (22,000 lb) in 1919 (Schroeder, 1924).

Stone crabs were fished within a mile from shore, along channels and rocky bottom. Stone crabbing took place throughout the year but was best from February to April. Stone crabs were sold by fish vendors who sold to individuals from street corners or directly to restaurants in the town (Schroeder, 1924).

In the 1920's and 1930's, one to three fishermen fished for stone crabs around Cedar Key, two to three fishermen around Everglades City, and one man fished in the Florida Keys near Key West.

Live stone crabs were packed in wooden boxes layered with seagrass (*Thalassia testudinum* and *Syringodium filiforme*) and shipped to restaurants within the state or as distant as New York City. Fishermen that fished during that period reported that the crabs arrived alive and in good condition when shipped by this method.

The stone crab fishery slowly developed along the Florida Gulf coast until the 1960's.

(A) *Vessels and gear types.*—The stone crab fishery was conducted from shore or small boats [1] until 1963. In that year, the first vessel entered the fishery (Table 8–1).

Table 8–1.—*Gulf of Mexico Stone Crab Fishery. Number of Vessels, Boats, Fishermen and Traps, 1961–1975*

	Vessels (5 tons or over)	Boats (less than 5 tons)	No. of full-time fishermen [1]	No. of part-time fishermen [1]	No. of traps [2]
Year:					
1961	0	69	66	15	13,608
1962	0	70	66	17	14,610
1963	1	65	67	15	14,906
1964	2	78	93	17	20,974
1965	4	71	57	30	19,960
1966	8	92	121	10	43,243
1967	11	84	108	19	39,328
1968	18	108	158	9	55,870
1969	14	93	125	18	35,975
1970	15	143	151	40	60,800
1971	20	122	173	14	73,685
1972	32	157	251	22	113,300
1973	35	162	292	16	142,999
1974	40	185	327	16	159,076
1975	57	123			

[1] "Full-time" fishermen receive more than one-half their annual income from fishing; "part-time" fishermen receive less than one-half.

[2] Number of traps listed differs from those shown in Table 5–2. This occurs because different sources of statistical information were used and in part because Table 5–2 is based on seasonal information rather than annual information.

Sources: 1961–1974 Compiled from Fishery Statistics of the United States. 1975 From Statistics and Market News Division, NMFS.

Most stone crabs were caught in traps adapted from assorted containers, ice cans, crates, oil drums, etc. Glass jars or coconuts served as marker buoys. Bait consisted of scrap and trash fish, sharks and sting rays. Early fishermen set their traps in shallow water at the edge of nearby channels and between islands. Rarely were traps set deeper than 9 m (30 ft.). Fishermen usually set out between 50 and 300 traps.

(B) *Fishing areas and quantities.*

The stone crab occurs along the Gulf coast from Florida to Texas, but commercial catches are reported to the NMFS Statistical Division only in Florida. An unknown quantity is caught and sold to restaurants in Texas (Powell and Gunter, 1968) and possibly other states. The fishing area was mainly in shallow waters of Florida in Monroe, Collier, Manatee and Pinellas Counties until the 1960's. Schroeder (1924) stated "They are found rather near the shore and generally not farther than one mile from land". Rathbun (1887) mentioned that crabbing takes place in shallow waters by waders. In more recent years, the area fished has expanded to 30 miles (48 km) offshore in depths of up to 60 feet (18 m) or more off most Gulf coastal counties from Monroe to Franklin.

Originally the market for stone crabs was restricted to restaurants and consumers in the immediate area of the fishery (Powell and Gunter, 1968). With a poorly developed marketing system, in many instances, whole crabs had to be taken to large cities by fishermen where only the best were accepted. As recently as 1962, the supply exceeded the demand, and whole stone crabs were sometimes sold for only $0.30 per dozen. The market, though broader, is still composed chiefly of sales to local retail outlets, seafood restaurants, hotels, and specialty food stores in larger cities (Bert, et al., 1978).

Commercial landings of stone crabs in the Gulf of Mexico were generally under 100,000 pounds (45,350 kg) per year in whole crab weight until the 1950's.[2] This brief summary of historic information on stone crab catches is reported in whole crab weight because early catches were

[1] For NMFS statistical purposes, a "vessel" is documented by the U.S. Coast Guard and has a capacity of at least 5 net tons. A "boat" is not documented and has a capacity of less than 5 net tons.

[2] Claw weight = whole crab weight/2.

reported and marketed as whole crabs. In 1956, the commercial landings of stone crabs were reported in only Monroe, Collier, Lee, Manatee, Sarasota, Pinellas and Levy Counties in Florida. Eighty-eight percent of this catch was landed at Collier, Monroe and Manatee Counties. Since the 1960's, the stone crab landings and value increased steadily with most counties from Monroe to Franklin contributing to the landings. The landings reached 500,000 pounds (226,750 kg) in 1962, one million pounds (453,500 kg) in 1968. A summary of recent catches by region is given in Table 8–2. Stone crab landings in other sections of this plan are reported in claw weight which is half of whole weight. A summary of catches in recent years is given in Section 9.

There is no foreign fishing for stone crabs within the U.S. FCZ.

Table 8–2.—*Florida West Coast Stone Crab Fishery; Percentage of Landings by Region, 1967–1976* [1]

Year	Everglades Florida Bay	Southwest Coast	Tampa Bay	Cedar Key	Panhandle
1967	93.4	1.6	0.5	4.5	.....
1968	90.5	4.0	0.3	4.4	.....
1969	77.5	4.8	3.4	14.3	.....
1970	80.8	3.4	1.9	13.8	.....
1971	83.1	2.4	0.0	13.3	1.2
1972	89.0	2.5	0.7	7.4	0.4
1973	72.9	14.1	1.8	10.3	0.9
1974	79.3	10.6	0.9	8.5	0.6
1975	79.7	3.1	2.2	14.2	0.9
1976	68.0	7.9	5.2	18.2	0.7

[1] For definition of counties within each region, see Section 8.(ii)(D).

(ii) *Present Commercial and Recreational Activities.* (A) *Participating user groups.*— The west coast of Florida stone crab fishery is composed of the commercial fishery with licensed full-and part-time fishermen, stone crab dealers and processors, and restaurant owners who often purchase directly from the fishermen.

The recreational fishery is composed of fishermen with Florida stone crab trapping permits and fishermen without permits who catch stone crabs while wading in shallow water or skin diving.

(B) *Commercial vessels, gear, and fishing operations.*—Vessels:

There is no standard design or construction for stone crab vessels and boats. Many are multi-purpose craft used in other fisheries part of the year. The stone crab vessels are usually from 9 to 15 m (30 to 50 ft) in length, diesel powered, and have a large after deck (Figure 8–1). The stone crab boats are of various designs up to 9 m (30 ft) in length, gasoline or diesel powered.

Fishing Gear:

A single device, the trap, is used to catch stone crabs in the Florida commercial fishery. The trap is equipped with a line for hauling and a marker buoy. Each trap and bouy must be marked with the permit number, and the buoy must be colored as registered on the permit.

Trap hauling gear consists of an open sheave block mounted on a davit. To haul, the buoy line is passed over the open block, and the line with attached trap is pulled aboard by hand or by a powered line (trap) hauler.

Fishermen usually build their traps or have them made to specifications. The trap is constructed of pine or cypress lath which is pressure treated with wood preservative to extend the life of the trap. Typical gear used in the stone crab fishery is shown in Figures 8–2 and 8–3.

Traps must adhere to stringent regulations regarding the maximum size of the trap entrance (4 x 6 in. or about 10.2 x 16.5 cm) (370.13, Florida Statutes); however, the design and dimensions of other parts of the trap may be modified.

The majority of traps measure about 40 x 40 x 28 cm (16 x 16 x 11 in) or 36 x 53 x 28 cm (14 x 21 x 11 in) in length, width, and height respectively. The frames are made of 5 x 5 cm (2 x 2 in) wood covered with 2.5 x 5 cm (1 x 2 in) lath spaced about 3.8 cm (1.5 in) apart. Concrete is poured into the bottom to a thickness of 3.8 cm (1.5 in) to weight the trap. (Since traps are custom made from rough-cut lumber, sizes in this paragraph are nominal.)

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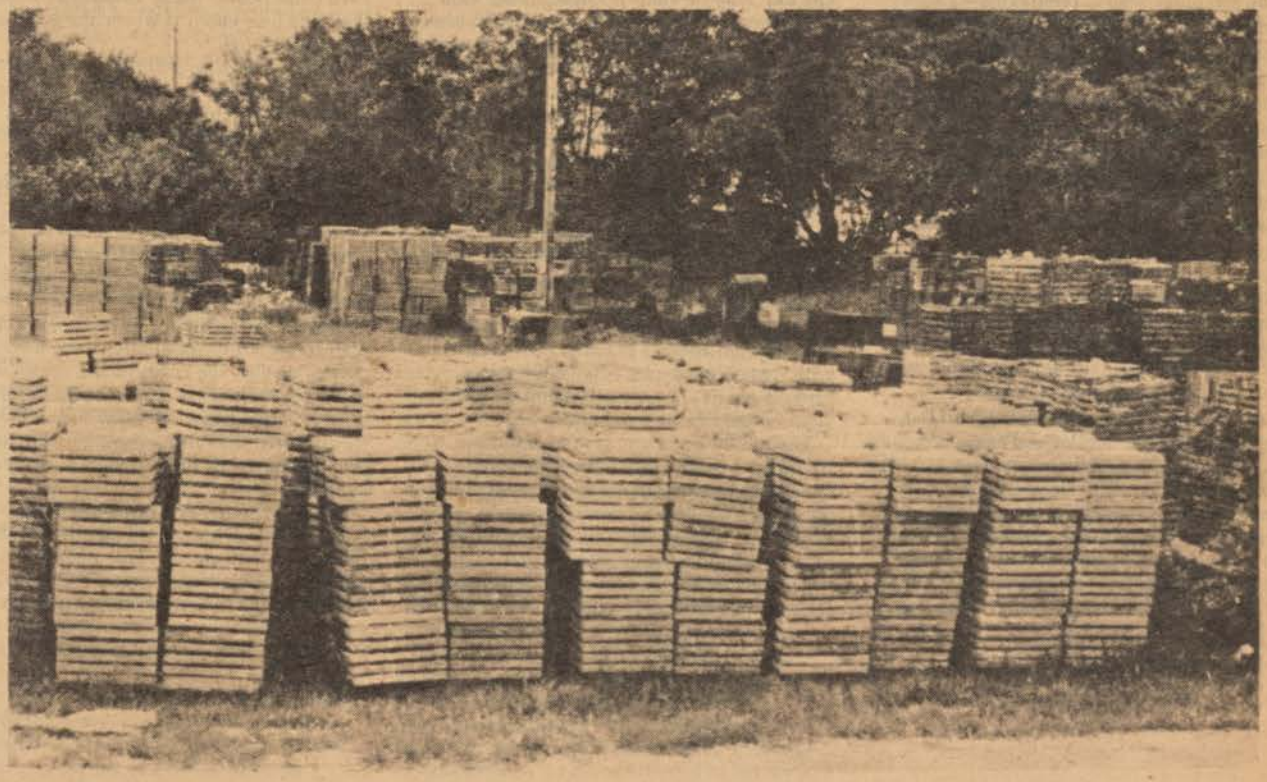

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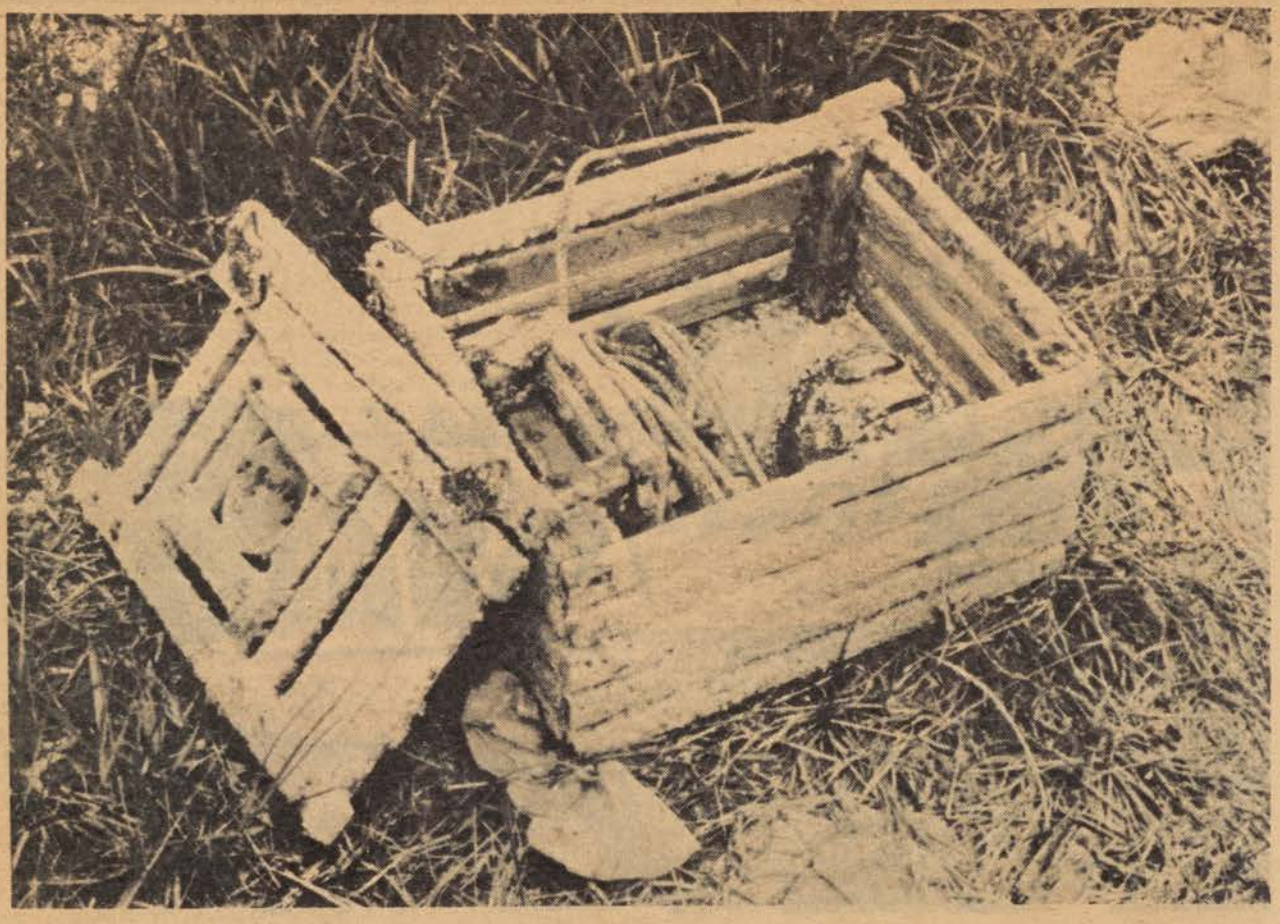

The top of the trap is removable—a short section of 10 cm (4 in) diameter polyvinyl chloride (PVC) pipe situated in the center of the top serves as the trap entrance. Fishermen experiment with trap design and contend that certain designs are more effective. In some cases, fishermen have evolved trap designs that work better in specific areas.

Plastic traps and blue crab traps are used to lesser degree.

Fishing Operations:

The Florida stone crab season begins on October 15 and ends on May 15 of the following year. Preparations to vessels and gear are made before the season opens, but traps may not be set until October 5.

Traps are baited with trash fish and fish remnants. Grouper, mullet and snapper heads and jacks, sharks and skates, or rays, cut into 0.5 to 0.6 kg (1 to 1.5 lb) sizes are often used. Fishermen experimented with rawhide and canned fish-base petfood, but most believe that fish works best, particularly the tough meat of cartilaginous fish and jacks. From 0.5 to 1.5 kg (1 to 3 lb) of bait are used per trap. The bait may be simply placed in the trap, hung from the top, or set in a bait container. Depending on the method and amount used, the bait will last from two days to three weeks.

Stone crab fishing is usually a one-day trip since the claws must be cooked before they can be chilled. This is necessary to prevent the flesh from sticking to the shell.

There are two variations to the basic fishing operation depending upon the size of the craft and the number of fishermen aboard.

Vessel fishing:

Large-scale operations use diesel-powered vessels from 10 to 15 m (30 to 50 ft) in length with large after decks, often covered to provide shade. The crew is composed of the captain and one or two pullers.

The baited traps are usually set in the traditional double line where traps are spaced 30 to 90 m (100 to 300 ft) apart and run parallel to the bottom depth contour. Fishermen may modify this pattern, however, into a grid, cross, or circular pattern. Traps are placed on sandy ocean bottom spotted with sponge and rocks or soft coral and small hard coral heads. Many fishermen contend that "the best catch is where the grass and open sand meet."

Vessel fishermen pull their traps 10 to 21 days after setting the trap lines. The vessel approaches the buoy and line in such a manner to avoid entangling the propeller. The pullers catch the buoy line with a hook and then haul the attached trap aboard, aided by a powered trap hauler. The crabs are removed and tossed into wooden boxes. Traps are rebaited, repaired and reset. The captain, in the interim, has been maneuvering to the next buoy in the trap line, and the operation is repeated. The crabs are kept aboard until the end of the fishing day. The pullers declaw the crabs as the vessel is returning to the port. This is in violation of 370.13 Florida Statutes. Claws are removed by grasping them firmly from the rear and twisting downward or upward with a swift snapping motion.

Vessels usually dock free-of-charge at a fish processing house, which provides the fisherman with storage and maintenance facilities for his traps and vessel. In exchange, the fisherman sells his catch to the

processor and purchases his bait and fuel there.

Vessels with a three-man crew haul and reset traps at a rate ranging from about 25 to 100 traps per hour, depending on weather conditions, tides, smoothness of the operation, condition of the equipment, and personnel. Sixty traps per hour is considered a good average speed. Many fishermen service 400 traps per day, maintaining that efficiency of equipment and personnel is maximal at this rate. Vessel fishermen set out from 1,500 to 6,000 traps per season.

Boat Fishing:

Smaller-scale operations use diesel or gasoline powered boats up to 9 m (30 ft) in length and one man performs all the operations. Occasionally, an additional person, usually a family member, will assist. Boat fishermen work in shallower water, closer to port, but pull their traps more often than vessel fishermen, every few days if the weather permits. Boat fishermen basically follow the same procedures as the three-man vessels. The fisherman pulls his traps by hand or with a powered trap hauler, removes the catch, services and resets the trap. The number of traps worked per day ranges from 25 or less to 300. The number of traps set out in a season varies but may be as many as 1,500.

Declawing procedure may vary with the boat fisherman. Some will declaw as the traps are pulled, either throwing the crab back into the water at that time, or keeping the declawed bodies on board to move them away from the area of the trap lines. Others follow the same procedure as vessel fishermen, declawing while returning and at dockside. Fishermen fishing within the Everglades National Park are required to keep the whole crab on board until out of the National Park's jurisdiction, and then they declaw accordingly.

Recreational Fishing:

Recreational fishing "is fishing for pleasure, amusement, relaxation, or home consumption" (Fisheries of the United States, 1977, 1978) and, for stone crabs, can be divided into two sectors: fishermen with Florida stone crab trapping permits using essentially the same types of boats, gear and fishing methods as commercial boat fishermen, and waders and skin divers who catch stone crabs by hand, snares, bent rods and sticks.

1. Trap fishermen:

A variety of problems prevents an adequate evaluation of the extent of recreational fishing for stone crabs:

(1) Defining the recreational fisherman is exceedingly difficult because nearly all stone crab fishermen sell at least some of their catch.

(2) Most stone crab fishermen are involved in some other occupation or fishery, making a "percentage of income" demarcation between commercial and recreational fishermen very difficult.

(3) Both commercial and recreational stone crab fishermen may have any number of traps, preventing a definition of recreational fishermen by survey of number of traps utilized.

(4) No registration of number of traps employed is required, nor is there a permit fee, allowing anyone to easily obtain a permit and preventing separation of recreational and commercial fishermen using permit data. Also, many individuals obtain permits and do not put any traps in the water.

(5) Vessel registration provides a limited estimate of larger commercial crabbing operations, since recreational crabbers would probably not have boats of this size. However, both commercial and recreational boats are registered to State waters and cannot be discriminated.

Thus, the only estimates of recreational stone crabbing come through interviews with processors, local crabbers, and persons otherwise associated with the industry. The greatest number of recreational trap fishermen are located in the lower Florida Keys (Big Pine to Key West). Residents set out a few traps in shallow water usually less than 6 m (20 ft). They catch up to several hundred pounds per year, keep most, or give them to friends and relatives, and sell a few—commonly enough to "break even" on trap and boat expenses. It appears that at most a few tens of thousands of pounds are taken by recreational fishermen in the Keys.

The only other area of recreational trapping is along the west central Florida coast (Lee County to Manatee County) where some weekend fishermen set traps, ordinarily fewer than 200. Discerning recreational from commercial fishermen is particularly difficult because nearly all commercial fishermen use the stone crab fishery as an accessory fishery and can employ the same size boat, same number of traps, and same fishing grounds as the recreational fishermen.

2. Waders and divers:

On the Florida west coast from Fort Myers to Cedar Key, stone crabs move into shallow waters and burrow in the flats or hole up in coastal rocks and jetties during the winter (Knowles, 1978). The numbers of fishermen or their catch is not known; however, Knowles (1978) in one week caught 200 crabs from one jetty. Stone crabs are taken by recreational divers around Monroe and Pinellas Counties incidental to seeking reef fish or spiny lobsters. Crabs are caught by teasing the crab up into the water column and grasping its claws when it is suspended or by pulling the crab out of its burrow with a hooked pole. (Technically, this method of hooking stone crabs is illegal [370.13, Florida Statutes]). Poor clarity of water or absence of stone crabs prevents divers from harvesting in many areas.

Recreational fishermen are restricted by the proposed management options with the exception of the maintenance and submission of daily trip tickets. Exclusion of these data have a minimal impact since limited recreational fishing occurs in the FCZ.

(C) *Employment in commercial and recreational sectors.*—Commercial Sector:

There are few fishermen that rely on the stone crab fishery as their sole source of income. Open season is seven months duration (October 15—May 15) and stone crab fishermen participate in other fisheries or occupations for the remainder of the year. Because of the similar fishing technique and gear, stone crab and spiny lobster trapping are often combined by Monroe County fishermen (Bert, et al., 1978).

As the demand and price of stone crabs steadily increased, the number of stone crab fishermen increased. Starting about 1968, larger vessels entered the fishery and ranged farther offshore in their trapping operations than in previous years. Many spiny lobster and mackerel gill net vessels first entered the offshore fishery at this time (Johnson, 1969). Between 1968 and 1974, the continuing strong market for stone crabs encouraged the increase in the size of the fishery. This is reflected in the number of fishermen employed which increased from 167in 1968 to 342 in 1974. Most of these are full-time fishermen, the percentage of part-time fishermen (fishermen earning less than 50 percent of their income from fishing) was four percent in 1974.

Florida stone crab trapping permits are issued to resident commercial and recreational fishermen free of charge. In 1976, there were about 1,700 west Florida permits issued. Permit information, however, does not indicate whether the applicant is a commercial or recreational fisherman. Because of the disparity between the number of commerical fishermen and the number of stone crab permits issued, a large percentage of permit holders is assumed to be inactive or in the recreational fishery or do not sell to dealers.

An unknown amount of stone crabs are sold directly to restaurants or consumers and are not recorded in the fishery statistics.

Recreational Sector:

There is no information available concerning employment in the recreational sector of the stone crab fishery.

(D) *Fishing and landing areas utilized.*—Since about 1970, growth of the stone crab fishery along the west coast of Florida has mushroomed (Table 8–1). A number of new fishing locations have developed, and traditional fishing areas have generally enlarged. For the purposes of this paper, the west coast fishery was divided into five regions, based on fishing grounds (Figure 8–4):

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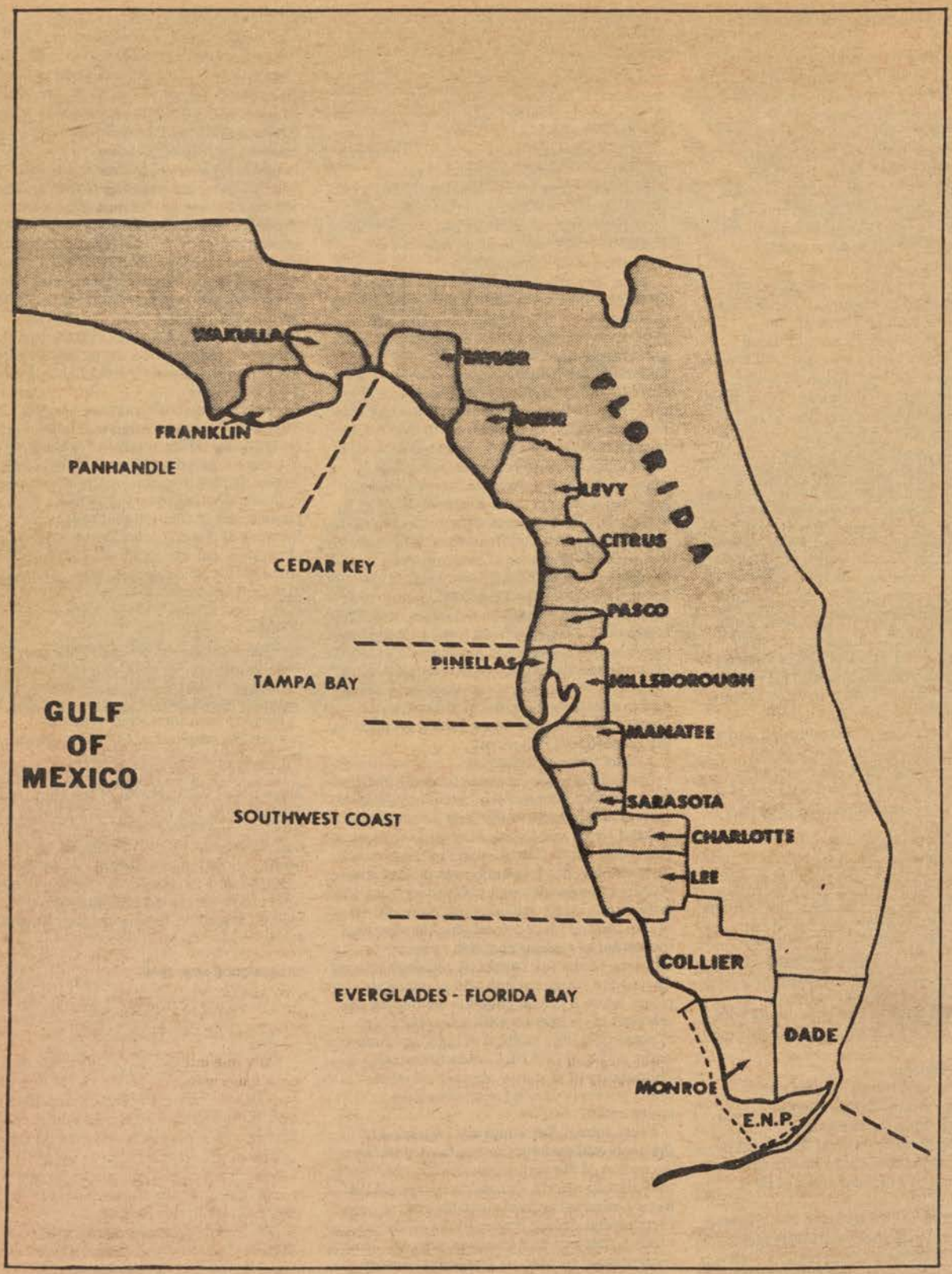

Figure 8-4. Gulf of Mexico stone crab fishing grounds by region and county.

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1. the Everglades-Florida Bay region—Monroe and Collier Counties;
2. the Southwest Coast region—Lee, Charlotte, Sarasota and Manatee Counties;
3. the Tampa Bay region—Pinellas and Hillsborough Counties;
4. the Cedar Keys region—Pasco, Citrus, Levy, Dixie, Hernando and Taylor Counties;
5. the Panhandle region—Wakulla, Franklin, Gulf, Bay, Walton, Leon, Okaloosa, Santa Rosa and Escambia Counties.

The percentage of landing by each region is shown in Table 8–2.

Everglades-Florida Bay Region

This region produces most of the catch in the east coast stone crab fishery and was described in detail by Bert, et al., (1978). Since 1970, the area fished in the Everglades-Florida Bay Region increased nearly five-fold. It currently spans an area of approximately 9,850 sq km (3,800 sq mi). Fishermen fished to a depth of 12 to 15 m (40 to 50 ft) for at least ten years. Although depth of trapping has not increased greatly, the number of traps in waters beyond the 9 m (30 ft) depth has increased tremendously.

a. Monroe County:

Since 1970, Monroe County fishermen have expanded their fishing range from localities among the Keys and in shallow Gulf of Mexico waters (less than 9 m, or 30 ft) behind the Keys to encompass the entire area from the Harbor Keys to the vicinity of Highland Point above the Shark River basin and out to 15 m (50 ft) deep. A few crabbers set traps between 15 and 18 m (50 and 60 ft). From the original area estimated at about 900 sq km (350 sq mi) in 1965, the Monroe County fishery has expanded to about 5,050 sq km (1,950 sq mi). Fishermen report that no conflicts have arisen between crabbers of the two counties over the sharing of fishing grounds.

Three centers of stone crab fishing activity developed: the Upper Keys, Marathon, and the Lower Keys. Upper Keys fishermen (Long Key to Key Largo) operate small one-man boats for easy maneuverability in the shallow water of Florida Bay to Cape Sable. Fishing effort is concentrated in the area of Sandy Key and the center of Everglades National Park waters. Only six to eight boats operate out of processing houses in this area. Most fishermen have between 50 to 500 traps, cook their catch, and sell to dealers or restaurants in the vicinity.

Fishermen centered in Marathon use large vessels that are operable in heavier seas and can accommodate a three-man crew. They may travel as far as Harbor Keys or above the Shark River basin and eastward to Sandy Key and generally set their traps in deeper waters. In 1978, about 34 vessels were based at processing houses in Marathon. Each vessel worked between 1,500 and 4,000 traps.

The third center for stone crab fishing exists in the Lower Keys. Most fishermen in that area are single-man boat operators and stay essentially in shallow water among the Keys. There are seven two-man boats associated with particular processors and about 50 small boat fishermen who cook their own catch and sell to processors or restaurants. These men have up to 300 traps each. Also, a small incidental stone crab catch from spiny lobster traps is landed in this area.

Relatively few Monroe County fishermen rely on crabbing exclusively as their source of income. Vessel fishermen combine crabbing with spiny lobster fishing. Since the differences between crabbing and lobstering are very slight, it is a simple matter for the fishermen to combine the two. The effort devoted to either species depends upon fishing success during the course of the overlapping seasons. Vessel fishermen may also be rigged for net fishing.

Boat fishermen are also diversified and often support themselves by lobstering and crabbing from late summer through spring and switch to sponging, bottom fishing, or collecting ornamental reef fish during the early mid-summer months.

b. Collier County:

The Collier County fishery is centered in Everglades City and Chokoloskee and operates from the Shark River basin to Cape Romano. They set traps in inshore waters of the Ten Thousand Islands and extend offshore to the 18 m (60 ft) depth contour and beyond. Five fish processing houses with approximately 25 two- and three-man vessels are based here. During the season fishermen from other counties, primarily Monroe County, work for these processors also. The fishermen generally work 1,000 to 3,000 traps, but some have as many as 6,000.

Collier County fishermen rely heavily on crabbing, drawing a large proportion of their income from it. Some Collier County crabbers also fish for spiny lobster; however, the supply in their area is depleted by the opening of stone crab season, nearly all fishermen switch exclusively to crabbing.

Southwest Coast Region

Although this region is adjacent to the most productive area in the Gulf, Lee and Charlotte County landings range only 2 to 14 percent of the total Gulf landings (Table 8–2).

Boats are usually 6 to 7.5 m (20 to 25 ft), two-man operations without powered trap haulers. Fishermen have fewer than 200 traps and fish in waters less than 6 m (20 ft) deep. Most fishermen are either "weekenders" with jobs not associated with the fishing industry, or shrimp or mullet fishermen who engage in crabbing on weekends. Claws are sold to fish processors dealing primarily in fish or shrimp or directly to local restaurants.

Tampa Bay Region

Pinellas County supports a moderate, though sporadic fishery (Appendix Table 1). A few crab processing houses occur thorughout the county, but with the exception of one family-owned processing house with its own boats, they deal in stone crab claws only as an accessory product. Stone crabbers are mostly part-time mullet fishermen will less than 50 traps. They bring cooked claws to dealers or restaurants. Three individuals use crabbing as their major income source—two in Clearwater and one at Johns Pass in St Petersburg. Most crabbing is limited to water shallower than 9 m (30 ft) off Tarpon Springs.

Cedar Keys Region

The five county Cedar Keys region composed of Taylor, Dixie, Levy, Citrus and Pasco Counties supply about 10 percent of the west coast landings. There are 10 to 15 fishermen; five obtain the majority of their earnings from stone crabbing. Crabbing is a two-man operation, and 6 to 9 m (20 to 30 ft) open boats with no powered trap hauler are used. These men have up to 1,000 traps each. A few part-time fishermen from inland Florida come to the coast to work their traps on weekends. Blue crab fishermen also land an incidental catch of stone crabs. Most traps are set between Horseshoe Key and Port English Light but may extent to Rock Island above Steinhatchee. Possibly because of the proximity to a juvenile nursery ground (McRae, 1950; Bender, 1971), the proportion of small claws is very high (80 to 90 percent), and many juvenile stone crabs are seen among the Cedar Keys islands. Also, crabbers report a high percentage of females in the area. An eight-week cessation in catches occurs during mid-winter, when water temperature drops below 20°C (68°F). Despite the break, crabbers leave their traps in through out the season. Fishermen sell their catch to one of three fish processors, who then ship claws to restaurants in surrounding counties and a few to other southern states.

Panhandle Region

There are few stone crab fishermen in the Panhandle region, and landings average less than one percent of the total west coast fishery. Cold winters and low dockside prices severely limit the fishery, and freezing temperatures can begin one month after the opening of the season in fall and last until one month before closing of the season in spring. The length of the active stone crab season is highly variable and dependent on the weather. In addition, the blue crab industry is far more important in the region and the blue crab processors are reluctant to deal with stone crab claws. Stone crab price per pound is about one-half of that paid in southern Florida, and no higher price is given for large claws, even though about 50 percent are large claws. At present, stone crabs are principally an incidental catch to blue crabs in Franklin and Wakulla Counties. No stone crabs are landed in other counties of the region.

Only one individual is a full-time stone crab fisherman in this region. He operates two one- or two-man boats, 8 and 10 m (26 and 34 ft) in length equipped with trap haulers. He works several hundred traps offshore of Panacea to the 14 m (45 ft) depth. He hauls his catch by truck to the south and north and currently is attempting to develop the industry in the vicinity.

(E) *Conflicts among domestic fishermen.*—Within the stone crab fishery there are no serious conflicts among the members of the commercial sector or between the commercial and recreational sectors. The area of most competition and conflict is between commercial stone crab fishermen and other fishermen fishing the same area using non-compatible gear.

Since about 1968, stone crabbers seeking new grounds have been expanding their fishing efforts offshore into deeper water (Johnson, 1969). Some fishing has extended 30 miles (47 km) offshore in water over 60 feet (18 m) in depth. This resulted in some competition for fishing areas between the commercial Florida stone crab and net fishermen. These problems were temporarily resolved by the fishermen involved. This was possible because stone crab fishermen work several fisheries and understand local conditions. Many are net fishermen themselves for a portion of the year.

The principal conflict at the present time is between stone crab and shrimp fishermen. The stone crab fishery expanded activities offshore into deeper waters at the same time shrimpers moved into the same areas formerly prohibited to shrimp trawling by Florida law. As a result, stone crab traps were damaged or destroyed by shrimp trawling. This management plan will attempt to resolve the conflict that seriously affects the orderly management of the stone crab fishery. The following information will serve as a basis for better understanding of this problem.

Background

For the past twenty years, the State of Florida has closed to shrimping a large area of water off the southwest coast known as the Dry Tortugas nursery area (FSA 370.151). The nursery area provided a sanctuary for young, maturing shrimp, and also provided a boundary line between stone crab and pink shrimp fishermen. Stone crab fishermen in quest of the crab claw (the only part of the crustacean they are allowed to process and sell) would drop their "pots" or traps inside the nursery area boundary and be relatively assured that the pots would not be scooped up in a shrimp trawl. Shrimpers remained outside the nursery area and conflicts between the two groups were rare even during the three-month period (February–April) that the two fisheries overlapped.

There were two major events affecting the fisheries in 1976. The first was a disastrous shrimp season along the south Atlantic coast, causing an increase in the number of vessels in the pink shrimp fishery off Florida's west coast. The second event was the United States Supreme Court decision which fixed Florida's seaward boundary in the Gulf of Mexico at nine nautical miles offshore. Much of the Dry Tortugas nursery area thereby fell outside of Florida's jurisdiction. Florida can control and regulate its *own* citizens in the Dry Tortugas nursery area, but has no authority over out-of-state fishermen more than nine nautical miles off the coast.

The Problem

Stone crabbers set out hundreds of traps in strings of up to 10 miles (16 km) long and leave them in the same place as long as they are productive. Attached to each crap trap is a spherical-shaped marker buoy which identifies, by its color and number, the owner. The marker buoys are relatively easy to spot during the daylight hours, but at night, when the pink shrimp fishermen do most of their work, the buoys are difficult to spot. Before the influx of out-of-state shrimpers and the Supreme Court decision, there were few, if any, gear conflicts between the two groups because shrimpers stayed outside the nursery area. With the influx of more shrimpers into the former nursery area, however, crabbers began losing their pots to trawlers and some crabbers reported losses in the thousands of dollars. Tempers flared and some fishermen resorted to threats and violence. Since the preliminary agreement of March 14, 1978, one boat was riddled by bullets from an automatic weapon. Other incidents were also reported. As a stopgap measure to prevent injury, the U.S. Coast Guard drew an arbitrary line in the disputed area and required shrimpers to remain on one side and crabbers on the other. The Coast Guard line made an "X" with the old nursery line allowing shrimping in some parts of the former nursery area, but closing to shrimpers waters open to them under the old nursery line. The major area of dispute occurred in a circular area around the point where the two lines crossed. Unsure of its authority in the area and strained to provide adequate enforcement of the line, the Coast Guard hoped that another solution to the problem could be found.

Proposed Solutions

Tampa Meeting:

On March 13, 1978, a meeting was held in Tampa, Florida, at the office of the Gulf of Mexico Fishery Management Council to review the problem and seek solutions. In attendance were representatives of various fishermen's groups, two representatives of the National Marine Fisheries Service, and officials and members of the Gulf Council.

The group concluded that no government entity had authority in the disputed area. The State of Florida could regulate its own citizens anywhere and out-of-staters within nine miles of the coast but could not enforce the nursery line as it previously existed. The Gulf Council, by virtue of a hiatus in the Fishery Conservation and Management Act of 1976, had no authority in the area until a fishery management plan for either stone crabs or shrimp was adopted and implemented, a process that was more than a year away. Jack Dunnigan, an attorney for NMFS, was of the opinion that no other provision in the FCMA would allow emergency action to be taken until a fishery management plan was adopted. In essence, a jurisdictional void existed in the area and would not be filled until a specific fishery management plan on either of the two species was adopted. A voluntary agreement between the two groups of fishermen appeared to be the most feasible solution and also the quickest to implement.

The following suggestions were offered:

(1) Stone crabbers could offer to place some of their members on board the shrimp boats at night as observers to help spot the crab pots and prevent them from becoming entangled in the trawls.

(2) Crabbers could string their pots in an east-west or north-south direction, and shrimpers could pull their trawls in the same direction so that a gear conflict could be avoided.

(3) The Gulf Council could request that NMFS prepare on an expedited schedule a fishery management plan for stone crabs so that next year at this time some type of boundary would be implemented.

(4) Stone crabbers could be asked to place radar reflectors on their buoys in order that radar-equipped shrimp boats could spot them more easily.

(5) A joint steering committee composed of equal numbers of shrimpers and crabbers could be formed to formulate a temporary solution for the remainder of this season.

(6) Some type of voluntary gear reporting system could be implemented whereby crabbers could report the location of their traps so shrimpers would be able to avoid them. This solution was proposed in a similar controversy between lobster fishermen and trawlers along the northeast Atlantic coast, but reports from the area indicate the system is not working.

Miami meeting:

On Tuesday, March 14, 1978, the day after the Tampa meeting, shrimp and crab fishermen and some of the attendants of the previous meeting met in Miami to discuss which solution would be implemented. The meeting was held at Senator Lawton Chiles' office in the Federal Building.

The problem was again discussed in detail, and new information was brought to light. Crabbers reported that most of the boats in the former nursery area were from out-of-state, and most left the area when they were told crab traps had been placed there. The crabbers also said that some of their members were threatening to "mess up the bottom" if shrimpers continued to encroach on their trap strings. Both groups agreed that only a relatively small number of fishermen are causing the problems and that most fishermen want to avoid trouble and earn a peaceful living.

After the problem had been thoroughly discussed, the following solutions were agreed to:

(1) The old nursery boundary line would be voluntarily reinstated effective at dusk, Friday, March 17, 1978. Both groups promised to inform their members of the decision, and both said they should be able to live with the old line since it had been in effect for the previous 20 years without too many problems.

(2) An advisory panel comprised of members from the two groups would meet again later to adopt further compromise measures.

(3) The Gulf Council would recommend immediate development of a stone crab plan with the hope that it would be ready for adoption and implementation by the time the problem surfaces again in 1979.

(4) States whose fishermen are fishing in the disputed area would be contacted so that their officials could apply jaw-bone pressure on the shrimpers to abide by the voluntary decision.

(5) Boats with advanced depth meters would voluntarily chart bottoms in the area, and bottoms unsuitable to shrimping could be pointed out to stone crabbers for their use.

(6) The Coast Guard would partrol the area until the old boundary line was reimposed

with the Florida Marine Patrol taking up enforcement from there.

A series of additional meetings were held in Tampa, New Orleans, and elsewhere, seeking a solution to the problem. Finally, representatives from the stone crab industry and the shrimp industry agreed on a line to separate the two groups of fishermen during the primary time when conflict had occurred. The agreement was considered as part of this management plan (see Section 12).

(F) *Amounts of landings.*—The stone crab fishery is small compared with other Gulf of Mexico fisheries but has expanded rapidly in recent years with continuing demand and favorable prices. The ex-vessel value of landings increased over 20 times since 1954. A summary of catches and values of stone crab catches in the Gulf of Mexico is given in Section 9.

(G) *By-catch.*—Crabs which are not legally harvestable and fish are occasionally taken as by-catch. These are returned to the water alive. The traps utilized in this fishery are not conductive to the capture of large fish; therefore, the majority are returned to the water with a few being retained for home consumption.

(iii) *Assessment and Specification of the U.S. Harvesting Capacity.* The growth of the Gulf stone crab fishery concurred with the market demand for the product. Because of the versatility of the stone crab fishermen, whose work is seasonal, and who must participate in several fisheries annually, the capacity of the fleet is more flexible than those with most other fisheries. This was demonstrated in the 1960's. The size of the fleet quickly increased from 69 craft in 1961 to 158 craft in 1970. As market demand and fishing pressure increased, activity expanded into new areas farther offshore and in deeper water. Stone crabs occur in the U.S. Gulf of Mexico in NMFS statistical zones 1 through 21 (Figure 8–5). The present commercial range of stone crabs is in the NMFS statistical zones 1 through 7 with fishing concentration in zones 1, 2 and 3. Underexploited areas may exist in the other zones or in other states where effort is light. Powell and Gunter (1968) mentioned a commercial stone crab fishery in Port Aransas, Texas. Stone crabs are also caught in Texas in blue crab traps (C.E. Bryan, Texas Parks and Wildlife).

Based upon the expanding fleet size (250 vessels in the 1977–78 fishery), increased in the number of traps fished (264,300 in the 1977–78 fishery), and increased annual landings (2.1 million pounds in the 1977–78 fishery), it is apparent the U.S. presently has the capacity to harvest optimum yield. Trends in this expanding fishery are shown in Tables 9–5 and 9–6 of the following section. These trends, coupled with the additional recreational catch, assures that the U.S. has the capacity to harvest OY.

(iv) *Assessment and Specification of U.S. Processing Capacity.* Processing consists simply of boiling the claws and freezing or chilling the boiled claws and requires no sophisticated equipment. Therefore, the domestic processing capacity will always exceed the U.S. harvesting capacity.

(v) *Foreign Fishing Activities.* None of the stone crab stocks of the Gulf of Mexico is currently being harvested by foreign fishing vessels.

(vi) Interaction Between Domestic and Foreign Participants in the Fishery. Since there are no foreign participants in the stone crab fishery, interactions are zero.

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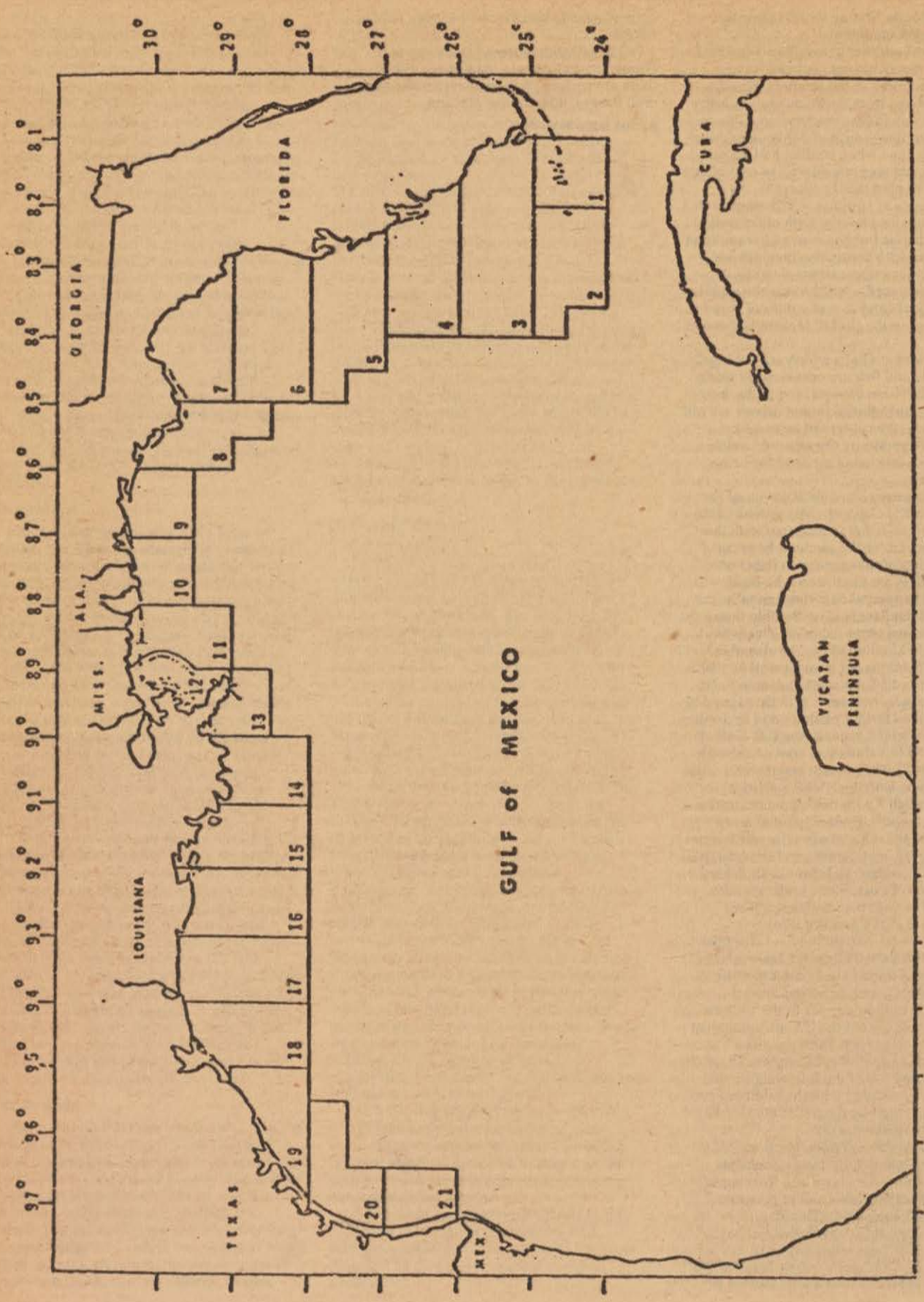

Figure 8-5. Occurrance of stone crabs in the Gulf of Mexico, NMFS statistical zones for the U.S. Gulf coast.

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9. Description of Economic Characteristics of the Fishery

(i) *Domestic Harvesting Sector.* (A) *Landings and value.*—Stone crab reported landings on the west coast of Florida for the 1977–78 season totaled 2.1 million pounds on a claw basis with a value of 3.8 million dollars, as reported by the National Marine Fisheries Service, Table 9–1. Stone crabs are produced in significant quantities only in Florida among Gulf Coast States. Total reported pounds of claws landed increased from 0.3 million in 1962–63 to 2.1 million in 1977–78. This is an increase of 7 times over the 15 seasons. However, landings declined during three seasons of the period, Figure 9–1. The growth in market value of stone crab claws during the period reflects both increased production and higher current prices received by crabbers.

In comparison to all Florida West Coast fisheries and the Gulf of Mexico the stone crab fishery is not large. Stone crabs accounted for 3.55 percent of the reported value and 2.05 percent of reported landings, live weight basis, of all Florida West Coast fisheries in 1974, Table 9–2. In comparison to all Gulf of Mexico fisheries stone crabs represented 0.76 percent of the reported value and 0.14 percent of landings in 1974. Since 1964, the fishery has grown at a faster rate than have all fisheries of either the Gulf of Mexico or Florida West Coast. On the Florida West Coast stone crab landings in 1974 represented 2.05 percent of total pounds of all fisheries as compared to just 0.57 percent in 1964. Similarly, value at dockside in 1974 was 3.55 percent compared to 0.96 percent in 1974.

Stone crab production and value also are reported on a county basis for several years. There is considerable variation in reported landings for some counties from one year to the next and to avoid comparisons of erratic landings data a three-year average of landings was computed, Table 9–3. The two county areas of Collier and Monroe have produced about 75 percent of all West Coast landings in recent years. The next largest area appears to be the Pasco-Citrus counties with 118,733 pounds landed during 1974–76. Landings, value and price information by county, 1962–76, are reported in Appendix Table 1.

(B) *Stone crab prices.*—Prices reported in Table 9–1 are for stone crab claws ex-vessel basis. These prices are derived from value and pounds of stone crab claws reported by dealers. Only stone crab claws are traded on the market, not whole crabs.

The ex-vessel price of claws increased from .704 dollars per pound in 1962–63 to 1.82 dollars per pound in 1977–78. This was an increase of 159 percent and compares to an increase in the consumer price index of 98 percent during this period, Figure 9–2. In other words, claw prices increased faster than the general price level during this twenty-five year period. This is an indication of the growing popularity of stone crab claws as a seafood delicacy. During the 1962–63 to 1977–78 period, claw prices declined from the previous season on five occasions, but they increased during the last six seasons of the period. There is a strong and growing demand for claws as reflected in simultaneous increases in prices and production.

Table 9–1.—*Stone Crab Landings, Value, and Price for the West Coast of Florida, by Stone Crab Season, 1962–63 to 1977–78*

Stone crab season	Landings [1] (pounds claws)	Value of landings [1] (current dollars)	Ex-vessel price of claws (current dollars)
1962–63	300,000	211,200	0.704
1963–64	350,000	219,100	0.626
1964–65	350,000	216,300	0.618
1965–66	450,000	348,300	0.774
1966–67	400,000	333,600	0.834
1967–68	550,000	532,400	0.968
1968–69	600,000	561,600	0.936
1969–70	700,000	777,000	1.11
1970–71	850,000	867,000	1.02
1971–72	950,000	950,000	1.00
1972–73	900,000	1,107,000	1.23
1973–74	1,250,000	1,700,000	1.36
1974–75	1,000,000	1,460,000	1.46
1975–76	1,150,000	1,920,500	1.67
1976–77	1,450,000	2,595,500	1.79
1977–78	2,100,000	3,822,000	1.82

[1] Based on reports of stone crab dealers. Therefore, does not include sales by crabbers direct to retailers and consumers or the catch of individuals for personal use or recreation.

Source: National Marine Fisheries Service, Stone Crab Data Memorandum, August 4, 1978, Southeast Fisheries Center.

Table 9–2.— *Stone Crab Landings (Liveweight Basis) and Value Compared to All Fisheries of the Florida West Coast, and Gulf of Mexico by Calendar Year, 1964–74*

Area and fishery	Landings		Value	
	Thousand pounds	Percent	Thousand dollars	Percent
FLORIDA WEST COAST				
1964:				
Stone crabs	752	0.57	233	0.96
All fisheries	129,659	100.00	24,165	100.00
1974:				
Stone crabs	2,524	2.05	1,849	3.55
All fisheries	123,000	100.00	52,000	100.00
GULF OF MEXICO				
1964:				
Stone crabs	752	0.05	233	0.23
All fisheries	1,317,834	100.00	99,298	100.00
1974:				
Stone crabs	2,524	0.14	1,849	0.76
All fisheries	1,776,000	100.00	242,000	100.00

Source: National Marine Fisheries Service, Washington, D.C.

Table 9–3.—*Stone Crab Landings (Liveweight Basis) and Percent of Total by Counties for the 1962–64 and 1974–76 Calendar Year Periods*

Florida County	Three year average of landings (pounds)		Percent of total	
	1962–64	1974–76	1962–64	1974–76
Monroe	268,367	836,100	41.0	35.4
Collier	126,700	949,433	20.0	40.1
Lee	1,066	103,633	0.2	4.4
Charlotte	0	47,233	.....	2.0
Sarasota	4,167	1,433	0.7	0.1
Manatee	6,333	23,600	1.0	1.0
Pinellas	7,667	66,033	1.2	2.8
Pasco-Citrus [1]	44,667	118,733	6.8	5.0
Levy	89,533	109,233	13.8	4.6
Dixie-Taylor [1]	84,833	91,700	13.0	3.9
Wakulla [1]	9,033	16,900	1.4	0.7
Others	0	733	.....	(2)
Total	656,200	2,364,783	100.0	100.0

[1] Combined counties since basic data was published for combined counties.

[2] Less than 0.1 percent.

Source: Basic data National Marine Fisheries Service, Washington, D.C.

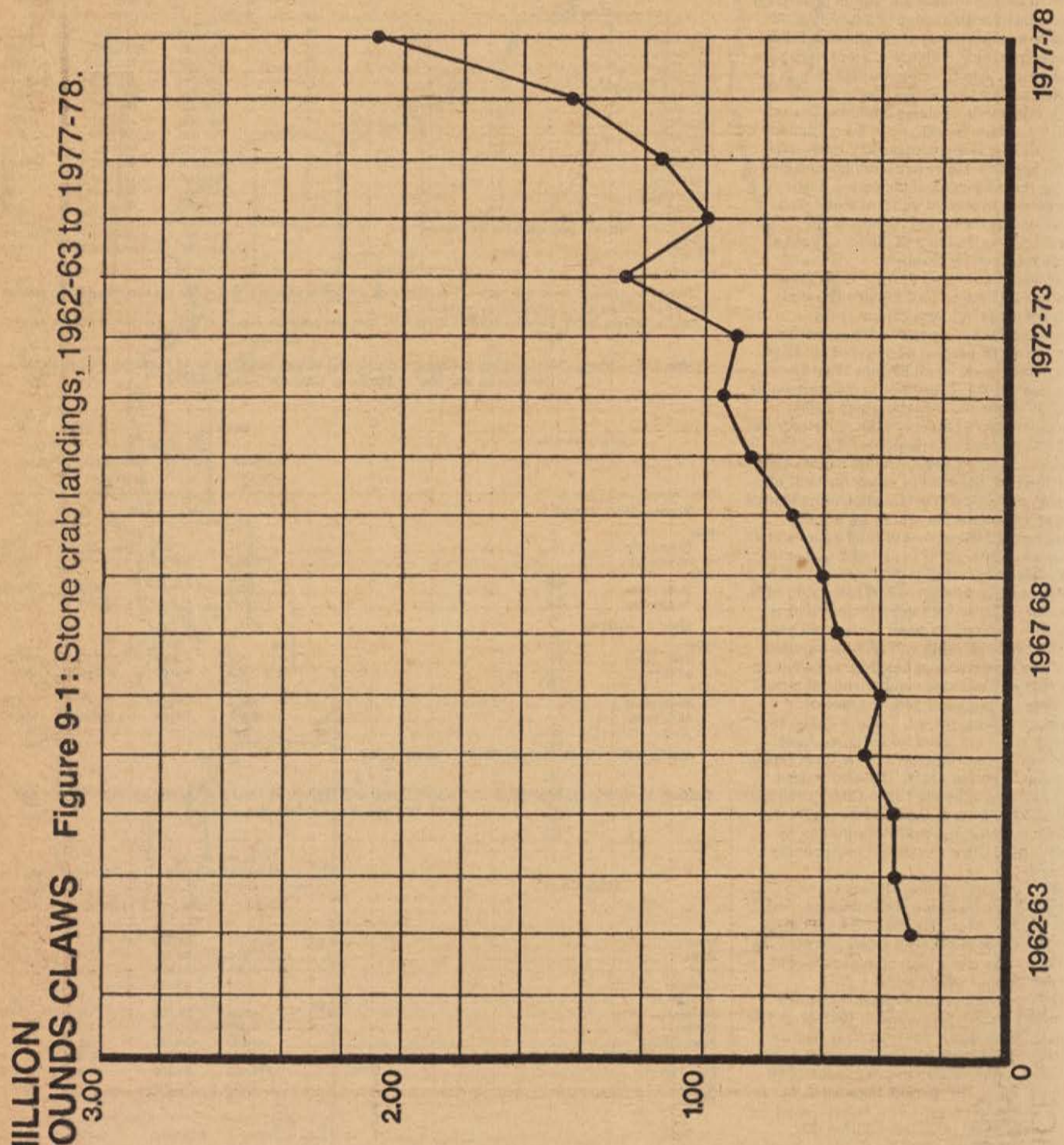

Figure 9-1: Stone crab landings, 1962-63 to 1977-78.

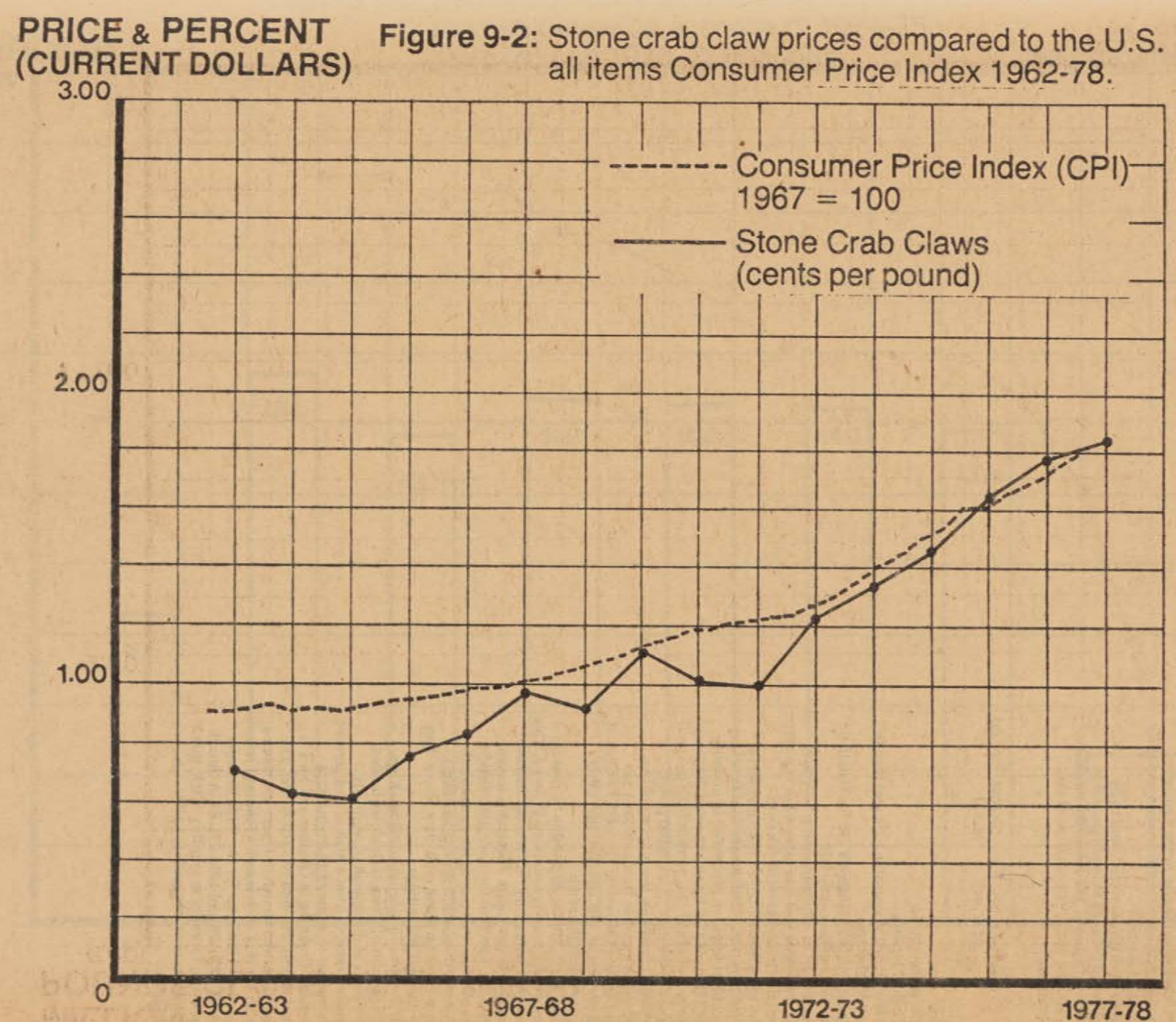

Figure 9-2: Stone crab claw prices compared to the U.S. all items Consumer Price Index 1962-78.

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(C) *Stone crab price analysis*

Analysis, based on 1962–76 annual data, reveals that the demand for stone crabs has been shifting upward quite rapidly in recent years. This shifting has been closely associated with the rise in the number of potential consumers of the product and their disposable incomes.

Stone crab prices were found to be sensitive to changes in landings and to consumer incomes. The following formula was applied in the examination of this relationship.

$$P = \underset{}{-0.017} \underset{(-2.54)}{- 0.001\ (L)} + \underset{(6.02)}{0.00044\ (DPI/N)}$$

Where:
P=Ex-vessel price.
L=Annual landings.
DPI/N=Florida disposable personal income in current dollars.

Quantities in parenthesis are the t-statistic for the respective coefficient.

Coefficient of determination (r^2)=0.966 which indicates that this expression is a very acceptable explanation of the data.

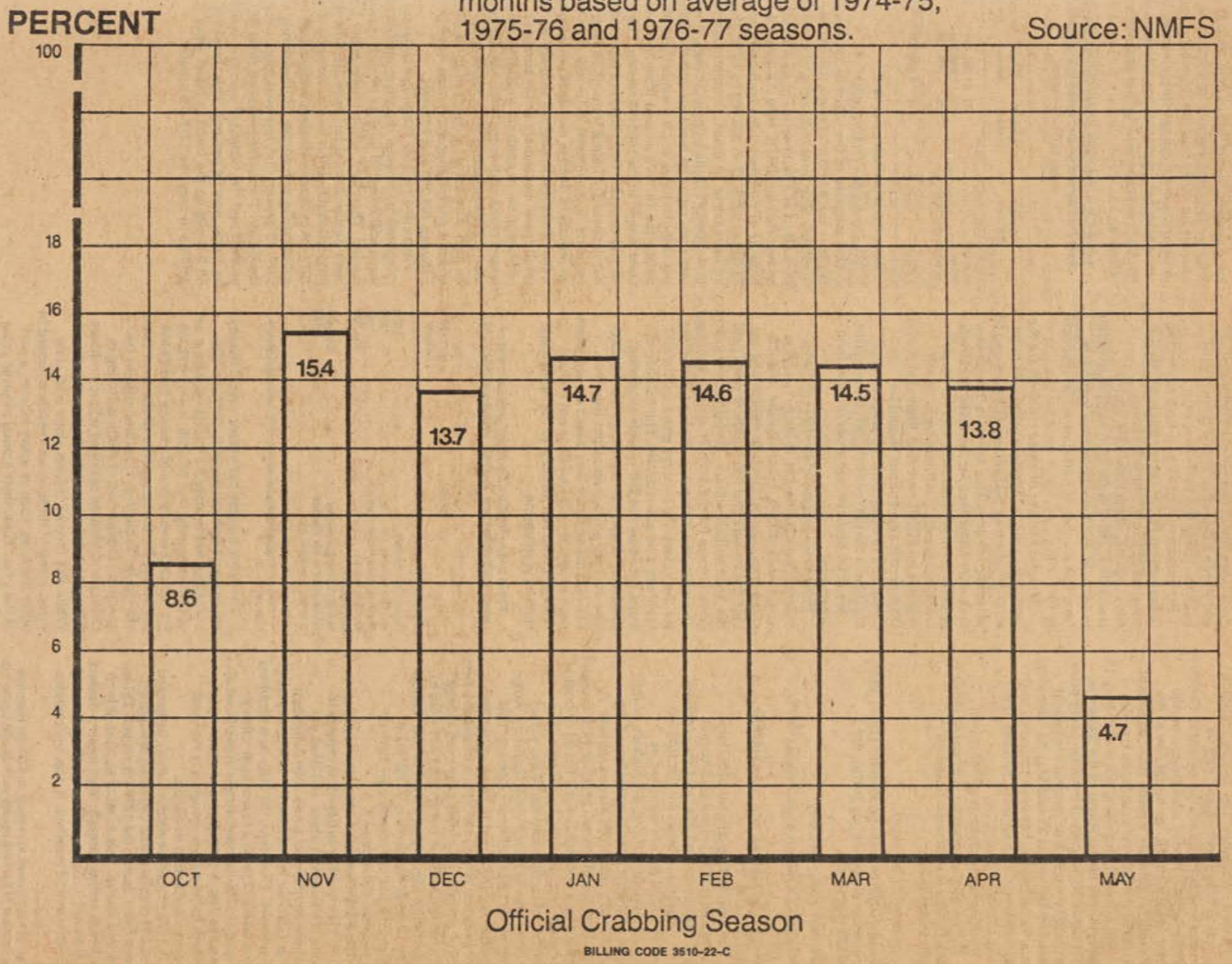
The price flexibility for this equation (at the mean) is 0.66 which means that for every one percent increase (decrease) in quantity landed there would be an expected decrease (increase) of 2/3 of one percent (0.66 percent) in price. In the case of a 200,000 pound decrease in landings, the price would be expected to increase by about $0.11 per pound of claws based on the 1977–78 price of $1.82 per pound; this assumes that other factors remain the same.

Price flexibility for disposable income on the ex-vessel price is estimated to be 1.5. This means that with every one percent increase (decrease) in per capita disposable income, there is a 1.5 percent increase (decrease) in price, other factors remaining unchanged. Obviously, disposable income has had a greater effect on stone crab claw prices than have changes in landings.

(D) *Seasonality of stone crab landings.*

The percent of stone crab claws landed each month of the season is relatively consistent ranging from a high of 15.4 percent in November to a low of 13.8 percent in December. Crabbing in October and May is limited to only one-half of each month. The seasonal pattern shown in Figure 9–3 relates the percent that each month's landings was of the seasonal landings for the three seasons (1974–75, 1975–76 and 1976–77). Even though there was uniformity in monthly catch, there were also noteworthy patterns and variations.

Figure 9-3: Percent of stone crab landings by months based on average of 1974-75, 1975-76 and 1976-77 seasons.



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October and November appear to be the most productive months in that order. On a whole month basis, October landings appear to exceed November. The 15-day crabbing period in May is only about half as productive as is the similar period in October. However, the 10-day soak time, a period prior to October 15, the initial day of the season, is probably a much more important factor in the harvest than is the five-day period allowed for pulling traps after May 15. Important to management of the fishery is that about 38 percent of landings occur prior to January 1 which 62 percent are caught between December 31 and May 15. Therefore, an area restriction between January 1 and May 15 would impact on 62 percent of the total seasonal harvest.

(E) *Number of stone crab fishermen*

The number of persons engaged in stone crab fishing is estimated based on the indications below:

Commercial (full-time)

Florida DNR permit applications (1977), 813*.
Processor-dealer survey (1978), 500.
NMFS (1975), 385.

Recreational (part-time)

Florida DNR permit applications (1977), 1,197*.
Processor-dealer survey, not available.
NMFS (1975), 24.

The Florida Department of Natural Resources (FDNR) stone crab permit applications totaled 813 full-time crabbers with vessels and boats for the 1977–78 season. If full-time is accepted as commercial, then this is the highest, of the three available above, indication of the number of commercial stone crabbers. A permit is issued to each crabber with a vessel or boat and commonly each vessel or boat is manned by a crew of two persons. The number of commercial crabbers, vessel owners plus helpers, could, therefore, range as high as 1,626 full-time crabbers. This number is considered to be an upper limit. For instance some individuals obtain the free FDNR permits year after year even though they do not fish for stone crabs but wish to retain their identity and right to fish. Others may identify themselves as full-time fishermen but are merely part-time or occasional fishermen.

The NMFS reported 385 stone crabbers in 1975. This number is based on reports of stone crab dealers alone and does not include commercial stone crab fishermen who sell their catch directly to retailers and consumers. Therefore, the 385 stone crabbers is considered to be a lower limit since a segment of those operating is missed and also because this is 1975 data and obsolete in a growth fishery even though it is the most recent information available.

A 1978 processor-dealer survey estimated that 500 crabbers and 250 vessels supplied these firms during the 1977–78 season Table 9–4 and above. This number applies only to crabbers selling through 38 processor-dealers. It does not include crabbers selling direct to consumers and retailers. It, too, understates the number of commercial crabbers. Considering all the above information plus dealer verbal indications it is estimated that there were about 950 full-time commercial stone crab fishermen, vessel owners plus helpers, during the 1977–78 season.

Persons identified as part-time stone crab fishermen on FDNR permit applications are considered to be fishing for home consumption, occasional sale, and/or recreation. There were 1,197 such individuals in 1977–78. We have no reason to deviate from this number of part-time stone crabbers in 1977–78.

The total number of stone crabbers for the 1977–78 season is therefore estimated to be 2,147 of which 44 percent are full-time and 56 percent part-time. This estimate, however, makes no allowance for the many hundreds, or perhaps thousands, who fish for stone crabs occasionally without traps which requires no FDNR permit. A limited survey of DNR permit applications should be conducted to determine the proportion of applicants that do actively fish the resource.

(F) *Total and average gross income from harvesting*

Total gross income of the fleet is the ex-vessel value reported in Table 9–1. It was about 3.822 million dollars for the 1977–78 stone crab season. The best indications are that 250 vessels and 500 crabbers were paid the 3.822 million dollars. Therefore, the vessel gross income for the 1977–78 season averaged about $15,288, Table 9–4. Without deducting for the vessel, the average gross for the 500 crabbers was about $7,644. The number of traps fished by the 250 vessels supplying processor-dealers was estimated at 264,300. The average gross income per trap was $14.46. This analysis was based on processor-dealer reports only and does not include crabbers who sell directly to the retail trade such as restaurants.

Table 9–4.—*Total and average gross income of stone crab fishermen, vessels, and traps, 1977–78.*

Totals	1977–78 Season
Gross income (mil)	3.822
Number vessels	*250
Number commercial crabbers	*500
Number traps	264,300
Averages:	
Gross income per vessel	$15,288
Gross income per crabber	7,644
Gross income per trap	14.46

* Source: Processor-dealer survey, 1978, unpublished data, Number = 38.

The gross income per vessel varied widely among geographical areas in 1977–78. The average gross income for vesels operating out of Collier county was $35,788, it was $29,336 for Monroe county based vessels and $4,862 per vessel for the remainder of the west coast of Florida, Table 9–5. This data reflects the economic importance of stone crabbing in Collier and Monroe counties where crabbers fish up to 5,000 or more traps per vessel. While this income is from stone crab claw sales, many of these same vessels operated in other fisheries, such as spiny lobster, a part of the year. Thus, their annual average gross income from all fisheries is in excess of that given in this report. Many fishermen in other counties, commonly place greater emphasis on other fisheries and stone crab claw sales are a smaller proportion of their annual gross income. This is thought to account for the low average for other counties. However, even in these areas there are several relatively large stone crab fishery operations which parallel the large operations of Collier and Monroe counties.

Table 9–5.—*Total and average gross income of stone crab fishermen and vessels by geographical area, 1977–78 season.*

County and area	Number vessels	Gross income	Gross income per vessel
Monroe	37	$1,085,448	$29,336
Collier	55	1,968,330	35,788
All other counties	158	768,222	4,862
Total	250	3,822,000	15,288

Source: Processor-dealer survey, 1978.

(G) *Stone crab fishing effort*

One measure of the effort to harvest stone crabs is the number of traps fished. The best available long term indication of current and past effort is a time series of number of traps as reported by NMFS, 1969–77, Table 9–6. The number of reported traps increased from 14,600 in 1962–63 to 264,300 in 1975. This was an increase of 18 times. Comparisons show that reported traps have increased at a faster rate than reported landings and that landings per trap declined to 7.9 pounds claw weight during the 1977–78 season from 20.5 pounds claw weight in the 1962–63 season. The reader should consider that these are reported traps; not necessarily fished traps. (The NMFS trap estimate is considered to be low. It is based on reports of dealers and does not account for traps of crabbers who sell directly to the retail trade, consumers or for personal consumption. In contrast to NMFS, the FDNR issued stone crab permits for 535,000 traps for the 1977–78 season. This number is thought to be high. The actual number of traps fished under a permit, therefore, must have been between 264,300 and 535,000).

Figure 9–4 reflects the rather constant relationship between reported number of traps and reported pounds of crab claws landed. Therefore, while landings per trap have declined, total landings are directly proportional to effort as measured by traps. In 1977–78 processor-dealers were asked to estimate the percentage of time during the 1977–78 season that reported traps were in the water. The average ranged from 60 to 100 percent and the weighted average, weighted by traps, was 88 percent. This, however, has no bearing on the trend in effort since it applies to only the 1977–78 season.

*Permits are issued to vessels and boats: therefore the number of permits equals vessels and boats, not the number of employed crabbers.

In terms of gross income in current dollars per trap, indications are that commercial crabbers are receiving about the same gross income per trap today as in the 1962–63 season. However, the current dollar figures are inflated values and not comparable to the 1962–63 season. The deflated value, real-dollars, for the 1977–78 season is about one-half of the current value or about $7.25 per trap for the season. The indications in Table 9–6 vary in such a manner that leads one to question the reliability of base data. This is a data base which must be strengthened in terms of completeness and expanded to include other essential economic values such as cost data and net returns.

Recent estimates by Bert, et al., 1978, found the catch and value trends to favor the three person vessels over the single vessels/boats as follows: [1]

[1] Bert, Theresa, M; Warner, Richard E; Kessler, Lorin D; The biology of the Stone Crab with Emphasis on Southwest Florida. Marine Resource Inventory, Report No. 3., Florida Cooperative Extension Service.

Table 9–6.—*Number of Traps, Landings, Landings Per Trap and Value Per Trap, 1969–1975*

Year	Number traps	Landings (pounds claws)	Landings/traps (pounds claws)	Value of landings (current dollars)	Ex-vessel price of claws (current dollars)	Value of landings per trap (current dollars)
1962–63	14,600	300,000	20.5	211,200	0.704	14.47
1963–64	15,000	350,000	23.3	219,100	0.626	14.61
1964–65	21,000	350,000	16.7	216,300	0.618	10.30
1965–66	19,700	450,000	22.8	348,300	0.744	17.68
1966–67	43,200	400,000	9.3	333,600	0.834	7.72
1967–68	39,300	550,000	14.0	532,400	0.968	13.55
1968–69	55,900	600,000	10.7	561,600	0.936	10.05
1969–70	36,000	700,000	19.4	777,000	1.11	21.58
1970–71	60,800	850,000	14.0	867,000	1.02	14.26
1971–72	73,700	950,000	12.9	950,000	1.00	12.89
1972–73	113,300	900,000	7.9	1,107,000	1.23	9.77
1973–74	143,000	1,250,000	8.7	1,700,000	1.36	11.89
1974–75	159,100	1,000,000	6.3	1,460,000	1.46	9.18
1975–76	193,200	1,150,000	5.6	1,920,000	1.67	9.94
1976–77	213,800	1,450,000	6.8	2,595,500	1.79	12.14
1977–78	264,300	2,100,000	7.9	3,822,000	1.82	14.46

Source: National Marine Fisheries Service, Washington, D.C., unpublished units data.

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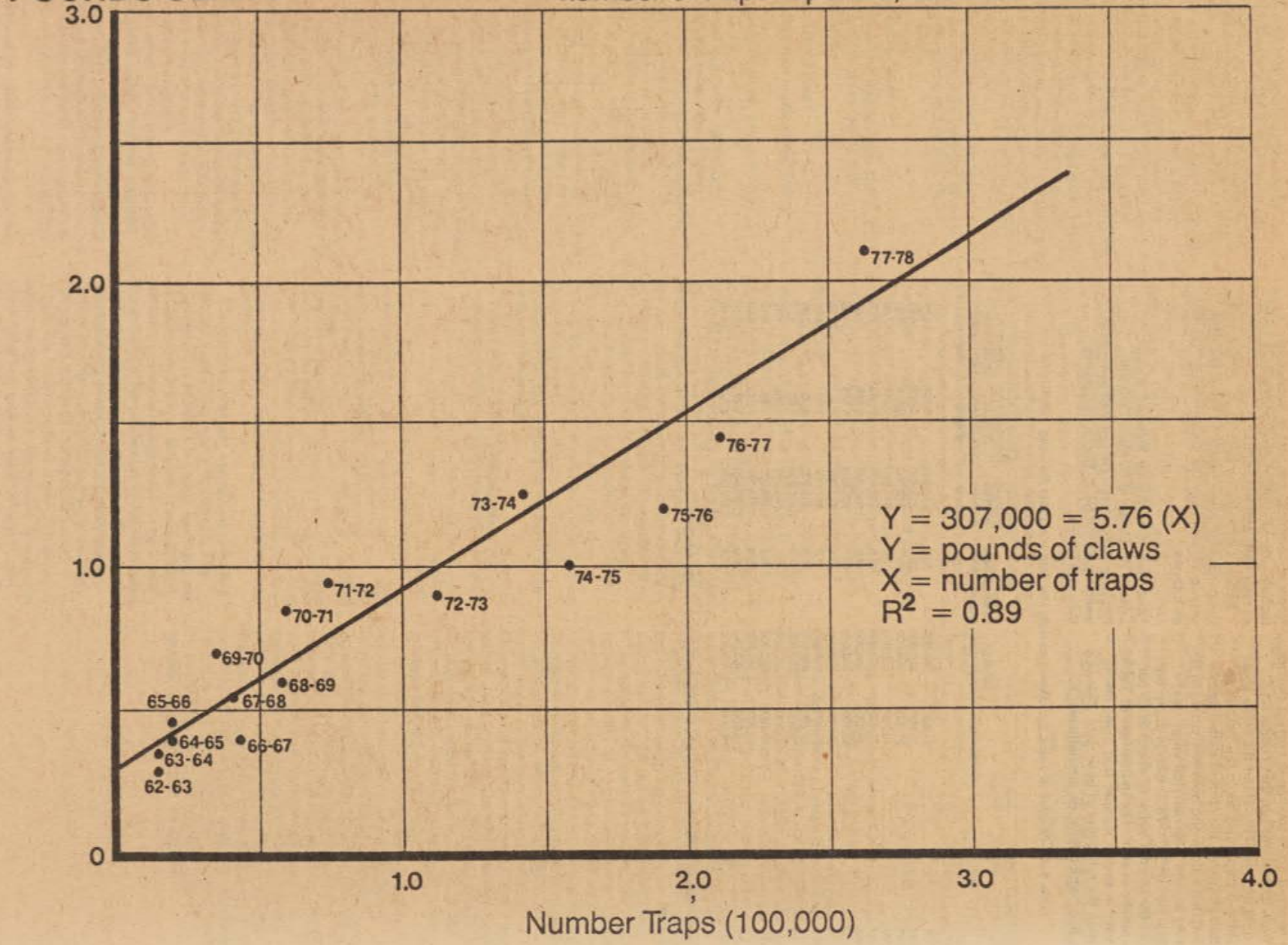
Figure 9-4: Stone crab landings and stone crab number of traps reported, 1962-63 to 1977-78.



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	*Average daily catch per trap (pounds of claws)	Average gross value per trap (ex-vessel dollars)
Single-man vessel/boat:		
1970–71	0.247	0.257
1975–76	0.078	0.156
Three-man vessel:		
1970–71	0.250	0.260
1975–76	0.119	0.238

* The number of observations is 20.

This information indicates that a single-person operation is catching less per day and the daily value of his catch is declining even though the dockside price increased over the time period. Apparently the three-person vessel is relatively better off than the single-person vessel. However, the large vessel catches have also declined per unit of time.

Neither total costs of all vessels nor total costs by vessel size are available; therefore, more meaningful net returns could not be computed. However, assuming constant costs over time, it appears that the near shore stocks have declined and that fishermen are going further from shore to make catches. Thus, the greater success, relatively, of the larger vessels.

(ii) *Domestic Processing Sector*

Stone crab processing commences when the claws are removed form the crab. This occurs on board the crab vessel. Processing usually includes several functions, the principal one being cooking of the claws. Other functions identified as processing activities are grading by size, grading or culling for quality, packaging, chilling and freezing. No canning of stone crab meat was reported in 1977–78. Hereafter, in this report, cooking of claws will be considered synonymous with processing.

Processing is carried out at various levels in the marketing system. Claws are usually cooked by the various dealers both at the port and in the central city. Sometimes, claws are cooked by crabbers themselves both on the vessel and at home.

The marketing system is composed of relatively small fish houses (crab houses) located on or near the water, crab distributing firms located in the center city and retailers of all sorts both domestic and foreign. The small fish houses are termed primary dealers, the center city and distributors secondary dealers.

Generally, primary dealers are first buyers of crabs from crab boats, Figure 9–5. A field survey in 1978 located 38 primary processor-dealers. At this position about 80 percent of the crab claws are cooked. However, some primary dealers buy both cooked claws and uncooked claws from crabbers. Many primary dealers are diversified in that they buy and sell fin fish and other shell fish. In some areas, the stone crab business is the primary source of income of dealers and is the principal source of livelihood or area residents.

Crabbers sell both cooked and raw claws to dealers and retail firms. It is estimated that about 10 percent of all harvested claws are cooked by crabbers. This is a common practice in some areas. Little of this occurs in Collier County. It seems to be common in other areas.

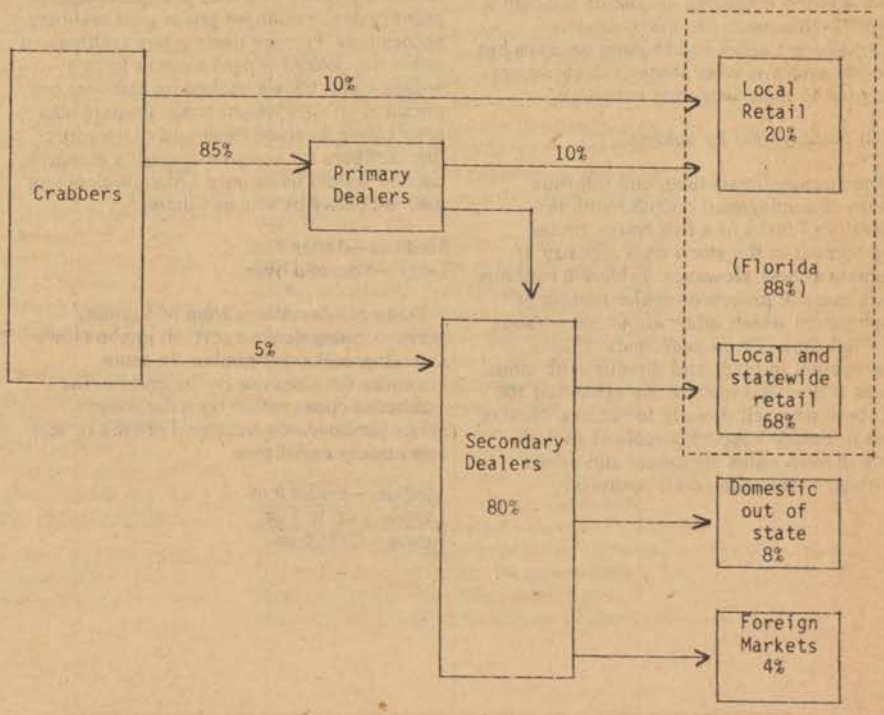
The secondary dealer is located in the center of city, primarily Miami. These firms received both chilled, and frozen cooked claws from primary dealers and distribute them worldwide. They do little or no cooking (processing) of claws. However, some secondary dealers buy either cooked or uncooked claws directly from the crabbers but this is not a common practice. Their functions are promotion and sales. They appear to have a primary role in price and market making for claws at all levels. The field survey located 38 primary and 8 secondary dealer-processors in 1978. NMFS reported 14 processors in 1975.

(A) *Volume and value of sales*

Stone crab dealers reported handling 2.2 million pounds of cooked stone crab claws valued at 4.6 million dollars (resale value) in the 1977–78 season, Table 9–7. About 90 percent of the production is marketed cooked and chilled. The remainder is sold cooked and frozen. Stone crab claws are not canned. Reliable time series data are not available with which to make meaningful comparisons but dealers reports and incomplete NMFS data indicate a positive and rather rapid growth in crab claw sales volume in recent years.

Collier County was the largest producer of claws with a volume of 1.1 million pounds valued at about 2.4 million dollars. The Everglades City-Chokoloskee area of Collier County appears to be heavily dependent on this source of income. Dealers reported that a significant decrease in production would have considerable adverse impact upon the area economy. Indeed, the stone crab industry appears to be the primary economic base industry of the area. Monroe County ranks second to Collier in production and processor-dealers and the two counties combined handled 80 percent of the 1977–78 production. The stone crab business is a less significant factor in the economy of the Keys area of Monroe County than in the Everglades City-Chokoloskee area. The stone crab fishery is smaller in other counties of the west coast of Florida than in Collier and Monroe Counties, but is a significant part of the economy in some communities in other counties.

Figure 9-5. Estimate of commercial crab distribution system, 1977-78.



Source: Processor-dealer reports, 1978

Table 9–7.—*Pounds, Value and Price of Cooked Stone Crab Claws Sold by the Primary (Initial) Dealer, by County, 1977–78*

County(s)	Cooked claws (pounds)	Value (dollars)	Price (dollars)
Monroe	651,977	1,303,954	2.00
Collier	1,095,398	2,366,060	2.16
Lee/Charlotte/Manatee/Sarasota	145,679	286,988	1.97
Pinellas/Pasco/Hernando	160,710	368,026	2.29
Citrus/Levy/Dixie	133,890	270,458	2.02
Total	2,187,654	4,595,468	2.10

Source: Processor-dealer reports, 1977–78.

(B) *Processing capacity*

Facility requirements are very minimal in stone crab claw processing. Needed facilities consist of an open-type cooker and some type of refrigeration equipment suitable for chilling or freezing the product. Processing capacity is therefore very flexible and poses no limit to stone crab marketing in either the short or long term. U.S. processors currently process all stone crabs landed and because of the minimal facilities required, they have the capability to process harvest at the OY level.

In most instances stone crab claws are only one of many fish and seafood items processed by dealers. Stone crabs, in terms of percent of total business, ranged from 1.0 to 100 percent and averaged about 25 percent of overall volume when measured in pounds handled in the 1977–78 season. For many dealers, especially in Collier and Monroe counties but in other areas as well, stone crab claws are essential to their economic existence.

(C) *Employment by dealers*

The seasonal, part-time, and full-time nature of employment coupled with the diversity of tasks in a fish house, makes employment in the stone crab industry an estimate at best. However, Table 9–8 contains a summary of processor-dealer reports of employment which totals about 106 persons on a full-time person-year basis. This is employment in-plant and directly with stone crabs. It does not include the estimated 500 crabbers who sell directly to dealers. Neither does it include support personnel such as truck drivers, sales personnel and others involved in the stone crab business.

Table 9–8.—*Estimated direct person-year basis employment in stone crab industry, 1977–78*

Item	Primary dealers	Secondary dealers	Total
Number of firms	38	8	46
Number of employees	81	25	106

Source: Reports of processor-dealers, 1978.

(D) *Dealer prices.*

Primary dealers base prices paid to crabbers on prices received for their product. This price making system functions daily but prices do not vary daily. The primary dealers sell a given volume daily at a specified price to the secondary dealers or to retailers. If the secondary dealers offered price changes the primary dealer changes prices paid crabbers accordingly. Primary dealers pay crabbers on either the cooked weight basis or fresh weight basis. Claws cooked by crabbers are priced at cooked weight basis. Dealers also cook claws received fresh and customarily pay crabbers for acceptable quality claws on cooked weight basis only. Other dealers buy and sell claws by size as follows:

Medium—Under 3 oz.
Large—3 oz. and over.

There are deviations from this pricing practice. Some dealers sort out jumbo claws and a few sell super jumbos. In some instances the sizes are on the basis of the number of claws rather than the weight. When jumbo claws were sold pricing by size was usually as follows:

Medium—Under 3 oz.
Large—3 oz. to 5 oz.
Jumbo—Over 5 oz.

(iii) *International trade.*

Trade statistics do not reflect stone crab claw imports or exports.[2] The U.S. Customs Service combines stone crab data with all other crab trade statistics which explains the lack of stone crab statistics. However, a few dealers report overseas sales of stone crab claws. U.S. exports are estimated to be not more than five percent of the total volume handled by secondary dealers during the 1977–78 season. Similarly, some stone crab (or close substitute products) imports have been tried with little success. Consequently, international trade in this product should be considered as minor.

The Tariff Schedule of the United States (TSUS) Column 1 shows an *ad valorem* duty of 7.5 percent on fresh, chilled or frozen crabmeat which is the duty applicable to imports of stone crab claws from all western countries. A Column 2 duty of 15 percent *ad valorem* applies to most communist-oriented countries.

Tariff and nontariff barriers applicable to U.S. crab sales abroad vary by country and are frequently significant impediments to international sales.

10. Description of the businesses, markets, and organizations associated with the fishery

(i) *Relationship Among Harvesting, Brokering and Processing Sectors.*

This information is provided under item 9, (ii) Domestic Processing Sector.

(ii) *Fishery Cooperatives and Associations.*

There are no fishery cooperatives operating in the stone crab fishery.[1] There are two associations to which members of the stone crab industry belong. There are:
Organized Fishermen of Florida
Southeastern Fisheries Association, Inc.

The number of crabbers or industry firms with membership in each association number several hundred and this plan is expected to result in increased membership and participation by members in both organizations.

(iii) *Labor Organizations.*

Discussions with dealers and crabbers confirm the absence of labor organizations in this fishery.

(iv) *Foreign Investment.*

Discussion with dealers indicate no foreign investment in this fishery save a small number of persons of Cuban extraction who migrated to the U.S in recent years and are involved in harvesting operations.

[2] Imports and Exports of Fishery Products, Annual Summary, 1976. *Current Fishery Statistics No. 7205*, NMFS, NOAA, December 2, 1977, Washington, D.C.

11. Description of social and cultural framework of domestic fishermen and their communities

The Gulf of Mexico stone crab fishery is essentially limited to Florida. NMFS county landings show that about 80% of the total Florida gulf coast catch is landed in the Everglades-Florida Bay region (Table 8–2). By far the most important ports are Everglades City and Chokoloskee in Collier County and Marathon in Monroe County. Each of these counties will be discussed later in the following sections.

The Cedar Keys region accounts for about half the remaining 20 percent statewide landings. Crystal River in Citrus County, Cedar Key in Levy County and Steinhatchee in Dixie County are the preliminary ports in that region. The region will be discussed as a whole.

The Southwest Coast and Tampa Bay regions do not contribute as significantly to commercial landings but do provide recreational entertainment and some financial benefit to a number of people. These regions will be discussed together.

(i) *Ethnic Character, Family Structure, and Community Organization.*

(A) *Monroe County.*

Monroe County's populations grew from a 1950 population of 29,957 to a 1960 population of 47,921 and has held a population of about 53,000 throughout the 1970's. The 1980 population is projected at 56,000 by the University of Florida. Key West's population was 33,956 in 1960, decreased to 27,563 by 1970, and has remained about that size to the present. Marathon had 4,397 people in 1970.

Monroe County had 4,222 blacks in its population of 52,586 in 1970. In addition, there were 5,650 residents (11 percent) with Spanish surnames. This group is distributed rather evenly throughout the occupational spectrum of the county, from professionals to laborers. The total population is composed of a large number of new arrivals of all age groups, from the affluent retirees to young unskilled groups. In 1950, 7.5 percent of Monroe County's population was 60 years of age or older; this increased to 13.3 percent in 1970.

Although no established statistics are available, it can probably be assumed that Monroe County has the largest number of non-resident commercial stone crab fishermen in the State. Over 40 percent of the permits issued for Monroe County are for resients of other counties, primarily Dade County (Bert, et al., 1978). Monroe County fishermen and Miami processors report that the upper Keys (Vaca Key to Key Largo) have a large proportion of Cuban fishermen who fish in Everglades National Park or adjacent waters. Examination of their names on permit records confirms this observation.

Monroe County captains or boat owners using the Fishery Conservation Zone (FCZ) are Caucasian, most of whom have moved to the Keys since 1960 and live in or near Marathon. Nearly all have families, with several children. The male parent is usually the sole income source. His wife or children may assist him in fishing in some capacity.

Helpers on boats, or "pullers," are Caucasian young men without family responsibilities, who have recently moved to the keys for a short-term stay. A few hope to own their own fishing boats and equipment.

Marathon is primarily a fishing community. Tourism and fishing are the only industries. Commercial fishing is probably at least as important as tourism.

Stone crabbing presently accounts for 3 to 4 percent of Monroe County's dockside revenue. It is, however, the fourth most important fishery in the county, behind the shrimp, mackerel, and spiny lobster fisheries. Many fishermen are turning to stone crabbing, as supplemental income, as other fisheries in the Keys become increasingly saturated.

(B) *Collier County.*

Collier County is another south Florida county whose population has grown rapidly. From 6,488 in 1950, the population increased 142 percent to 15,753 in 1960, 158 percent to 38,040 in 1970, and is currently estimated at 64,000. Naples grew from 4,200 in 1960 to 12,042 in 1970 and is currently estimated at 17,500. The popularity of large residential developments and the seasonal qualities of the Naples environs contributed greatly to its population boom.

Of the total population, Collier County, in 1970, has about 9 percent blacks and had 3,290 people with Spanish surnames. Unlike those of Spanish descent in Monroe County, this segment of Collier's population is foreign-born and engaged more in laboring and unskilled positions, particularly agriculture. There are few Spanish surnamed families with traditions of business and the professions as in Monroe County.

Collier County stone crabbers are Caucasian fishermen, most of whom have lived in or near Everglades City or Chokoloskee throughout their lives. Several families have lived there for generations. Like Monroe County fishermen, many have families and are the sole income source.

[1] List of Fishery Cooperatives in the United States, 1976. National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C., May 1977.

Everglades City and Chokoloskee rely heavily upon stone crabbings as an industry. Fishing is the only industry in the two communities.

(C) *Cedar Keys Region—Cedar Key, Steinhatchee, and Crystal River.*

U.S. Census figures show more modest growth rates for this region than for the southern counties. Dixie County grew from 3,928 in 1950 to 5,480 in 1970. Levy County grew from 10,137 in 1950 to 12,756 in 1970. Citrus County had the greatest growth with 6,111 in 1950 and 19,196 in 1970. These counties have practically no foreign-born population as compared to Monroe and Collier counties with 5 to 6 percent foreign-born. The counties of the Cedar Keys region have, greater proportions of blacks to whites than either of the southern counties. For example, Dixie and Levy have respectively, 21 percent and 33 percent blacks in the total population.

Fishermen in these communities are Caucasian and have lived along the northwest Florida coast most or all of their lives. They are married and have several children. Very few wives and children work, other than to assist in fishing. (Only about 10 percent serve in this capacity.)

Except for some tourism in Crystal River, no industry exists in the communities, except for fishing. The prospect of other industries moving into the region is very slight.

(D) *Southwest Coast and Tampa Bay Regions.*

The population in this region also increased from 1950 to 1970. Tampa, for example, grew from 179,335 in 1950 to 301,740 in 1960, and 368,742 in 1970. Likewise St. Petersburg's population grew from 114,596 in 1950 to 324,842 in 1960 and to 495,157 in 1970. There are few commercial stone crabbers in this region but all are Caucasian. Some have moved to coastal Florida within the past 15 years. Little information is available on recreational fishermen. Probably most are middle or lower income citizens with families.

Most of the communities these individuals live in are developing coastal towns or cities that have seen much growth in the past 10 years. Tourism and fishing are the major industries in virtually all of the communities except Tampa and vicinity, where other large industries exist. Ocean related activities motivated many of these people to move to the coast from inland Florida and other states. Recreational fishing is sociologically important to them. Activities such as recreational stone crabbing provide their primary source of entertainment, as well as supplemental food and income.

(ii) *Age and Educational Profiles of Fishermen.*

(A) *Monroe County.*

Age of boat captains/owners ranges from early 30's to late 50's. Age range of pullers is from the late teens to the late 20's. The general county education level is between 11 and 12 years of education. The education of captains/owners is unknown. However, very few have attended college. Education of pullers ranges from grammar school through college.

(B) *Collier County.*

General county education levels have been between 11 and 12 years of training. Age and educational profiles of captains/owners is the same as for Monroe County. The pullers' ages are similar to that of Monroe County. Education of pullers is usually high school graduate or less.

The increase of median age from 30.2 years in 1960 to 35.2 in 1970 of the total county's population reflects the recent influx of retirees.

(C) *Cedar Keys Region.*

Boat captains/owners range in age from 20 to 60; most are between 30 and 50. Age of pullers varies considerably.

Citrus and Dixie counties have populations with median education ranging from 11 to 12 years, comparable to Monroe and Collier. However, Levy County had a somewhat lower education level of 9.9 years in 1970. Some captains/owners in these counties have graduated from high school but most have received less than 8 years of education.

Dixie County had a median age of 25.8 in 1970, reflecting very little change from that of 1960. Likewise, Levy County showed little change from 1960, and in 1970 and median age was 31.1. The stable age figures demonstrate rather stable populations and areas having little growth, comparatively, to Monroe or Collier. However, Cirtus County had a different set of data for age levels. In 1960, Citrus County had a comparatively older age median, 37.5 years of age. And, in 1970, that median had increased to 49.0 years. Further investigation shows that the number of people 62 years or older had increased from 21.5 percent of the population in 1960 to 32.2 percent of the population in 1970, a figure considerable higher than either Monroe or Collier. This increase was almost surely caused by the immigration of elderly whites, since the median age for black males in Citrus County in 1970 was 19.2, and for black females, 22.6 years. These figures are comparable for black age medians in all counties under discussion.

(D) *Southwest Coast and Tampa Bay Regions*

Stone crabbers from these regions are of a wide age range—from late teens to mid 60's. Most are about 30 to 50 years of age. Since a large proportion are recreational fishermen, their educational level is of a wide range. Commercial fishermen have a high school education or less; recreational fishermen may have a college degree.

(E) *Panhandle Region*

No survey was made in this region.

(iii) *Employment Opportunities and Unemployment Rates*

(A) *Monroe County*

The stone crab fishery in Monroe County appears to be stabilizing somewhat. The increase in number of permits since 1968 has not kept pace with statewide increases, and landings have increased little since 1970 (with the exception of the anomalous 1977–78 season) (Bert. et al. 1978). Stone crab fishermen agreements with net and trawl fishermen have reduced the fishing area. Unless large areas are opened up in the FCZ, or OY is extended well beyond MSY, potential employment opportunities within the stone crab fishery in Monroe County are probably limited.

In the Keys, most stone crabbers that fish the FCZ are vessel operators whose boats have been outfitted for a number of different fisheries. They are versatile and normally take advantage of the most profitable fishery of the season. None is totally dependent upon the stone crab fishery. Employment opportunities in other local fisheries are good, and will continue to be so, provided that these fisheries do not become grossly oversaturated. Warner, et al. (1977) have noted that the spiny lobster fishery—the most frequently utilized alternative to stone crabbing—appears to be heavily overharvested in the Florida Keys.

For Monroe County, in general, the potential of economic expansion and stability should be considered as quite tentative. Table 11–1 shows that the most employees are in trade and services, 53 percent, with few people engaged in manufacturing. This reflects a heavy participation in the tourist industry and taken together, with the information from Table 11–2, shows Monroe County with a high unemployment rate. This hints of a weak economy. Key West has had a negative growth rate for years, and there is a possibility that the U.S. Naval Air Base will be phased out in a year or two. The base has provided a substantial input to Monroe's economy, and its phasing out would seriously affect the economy of that county.

The only available employment, other than that related to the fishing industry, is associated to the tourist industry. Fishermen in the area view occupations associated with the tourist industry as a poor second choice compared to fishing. Severe restrictions on land development in the Keys (Section 6) make it difficult to build and establish a business in the area.

For Marathon the reliance on stone crabbing suggests that restrictions on the fishery could be felt throughout the local economy.

The stone crab fishing season is from October 15 to May 15. A great many non-residents move to the Keys in the fall and take winter employment as fishing helpers for boat captains or processors. In summer these people either:

1. Continue working for the captain/owner part-time to ready his boat and equipment for the following season;
2. move north to summer jobs;
3. vacation and live off their winter earnings;
4. draw unemployment benefits.

Boat captains/owners usually spend the off-season readying equipment for the following season. Some also utilize other fisheries in the summer. Permanent employees of processing houses either vacation or work part time.

(B) *Collier County*

Collier County is similar to Monroe in that some 55 percent of the employment is in trade and services. Also, only a small portion of workers are employed in manufacturing; however, over 11 percent of Collier's workers are employed in construction. This reflects

the rapid population expansion and the less restrictive conditions for construction in Collier County. Unemployment rates fluctuated between 5.9 and 7.0 percent during the first half of 1978, and we expect that rates to be higher during the summer months, which are slacker for fisheries, tourism, and agricultural production.

Table 11-1.—*Employment in Industry for Calendar Year 1977 in Selected Florida Counties*

	Monroe	Percent	Collier	Percent	Citrus	Percent	Dixie	Percent	Levy	Percent
Construction	1,000	5.9	2,230	11.2	710	10.5	160	9.6	270	8.2
Manufacturing	800	4.7	810	4.1	410	6.0	440	26.3	610	18.4
Transport, utilities, sanitation	900	5.3	870	4.4	490	7.2	50	2.9	240	7.3
Trade	4,800	28.5	5,960	29.8	1,840	27.1	280	12.6	700	21.1
Finance, real estate, insurance	900	5.3	1,870	9.4	440	6.5			110	3.3
Services and miscellaneous	4,100	24.4	5,060	25.3	1,290	19.0	170	10.2	320	9.6
Government	4,300	25.6	3,200	16.0	1,610	23.7	640	38.3	1,060	32.0
Total all industries	16,800		20,000		6,790		1,670		3,310	

Bureau of Labor Statistics, U.S. Department of Commerce, Washington, D.C.

Table 11-2.—*Labor Force Data for Selected Counties for 1970 and for January-June 1978*

	Monroe		Collier		Citrus		Dixie		Levy	
	Labor force	Percent unempl.	Labor force	Percent unempl.	Labor force	Percent unempl.	Labor force	Percent unempl.	Labor force	Percent unempl.
1970		4.3		2.6		5.4		3.1		2.8
1978:										
January	19,973	9.9	26,782	7.0	14,180	8.6	2,793	6.1	7,853	8.1
February	20,186	8.4	28,027	6.7	14,291	7.1	2,854	5.5	7,928	6.3
March	20,027	8.8	27,770	6.1	14,032	7.2	2,820	5.2	8,008	6.4
April	19,846	7.9	27,753	5.9	14,668	6.9	2,916	4.6	8,003	5.2
May	19,298	7.4	26,190	5.9	14,704	6.7	2,910	5.8	8,104	5.2
June	19,990	7.6	25,660	7.0	15,253	6.6	2,940	5.9	8,527	6.0

Florida Department of Commerce, Division of Employment Security, Office of Research and Statistics, 1978.

The fishing industry in Collier County relies on stone crabbing. NMFS landing ststistics for the county show that stone crabs have accounted for 35 to 40 percent of yearly landings for the past 10 years. Fishing for spiny lobster is occasionally used as supplemental income but the majority of fishermen in the area fish exclusively for stone crabs. Stocks of other commercially valuable organisms are not plentiful enough in easily accessible areas to afford many alternate employment opportunities in other fisheries. In Everglades City and Chokoloskee little industry exists other than fishing. Remoteness from good seaports and proximity to Federal-preserved marshlands preclude the chance of much industrial development in the foreseeable future. In short, most people of these two communities rely on activities related to stone crabbing as the basis of their economy. Restrictions on the fishery could have a substantial impact on these communities.

In summer, most captains and helpers work to repair, and add to, their equipment for the following season.

(C) *Southwest coast and Tampa Bay regions.*

Many other hook-and-line or net fisheries exist in these regions and are available for further exploitation to varying degrees. In addition, shrimp fishing is important. The stone crab fishery itself is unpredictable from year to year but could probably support some additional fishermen, at least as a supplemental fishery.

Other employment is usually available in the form of construction, tourist related jobs, and other blue collar jobs. Alternate employment opportunities within a given community are directly related to its growth rate.

(D) *Cedar Keys region.*

Of the three counties, Citrus most resembles Monroe and Collier in that it has a small (6.0 percent) number of employees in manufacturing, a rather large proportion of industrial employees in trades and services, and the greatest unemployment rates of the three counties, ranging from 8.6 to 6.6 percent in 1978. Dixie and Levy counties both have much higher percentages of employees engaged in manufacturing, fewer in trades and services, and the lowest rates of unemployment of all the counties. All three counties of this region have 8 to 10.5 percent of workers in the construction trades. Crystal River is developing rapidly and offers greater prospects in employment, construction, entertainment, and other jobs.

Concerning the fisheries, there is no evidence that the stone crabbing has reached saturation levels in the Cedar Keys region (Section 9). The stone crab fishery could probably support additional employment. However, adverse weather and outbreaks of the octopus population make the success of crabbing unpredictable from year to year. Recently, a few fishermen have moved into the region from other fishing communities where severe restrictions on fishing have been initiated.

Blue crabbing is more important to Cedar Keys region fishermen than stone crabbing and is usually done simultaneously with stone crabbing. Stone crabbers may also net or hook-and-line fish or collect oysters. These fisheries may offer good alternative employment opportunities, as long as they do not become overextended.

Like the Collier County communities, Cedar Key and Steinhatchee have no industry other than fishing. Job opportunities other than those associated with fishing are extremely poor and seem likely to remain so in the foreseeable future.

Fishermen and processors are employed throughout the year in the Cedar Keys region. They switch to blue crabbing and hook-and-line or net fishing exclusively in summer, combine these with stone crabbing in winter, and rely heavily upon stone crabbing in late fall and early spring.

(E) *Panhandle region.*

No survey was made of this region.

Summary of (i), (ii), and (iii)

Monroe and Collier counties produce about 80 percent of the stone crab landings. Of the two counties, Monroe has the more vulnerable economy with higher unemployment, less industry, half the construction employment, and the largest non-resident group of stone crabbers. The participation by recreational fishermen is the largest in this county also. Monroe County has been declared an area of critical concern

by the State, which resulted in more stringent development regulations.

Collier County, which appears more the conventional southern Florida county, is beginning to develop rapidly. Nevertheless, the coastal communities producing the stone crab landings in Collier are relatively remote, and local fishermen are mostly dependent on the fishery for income. The total county economy appears more diversified and because of its geographical location has potential for economic growth.

With the exception of Collier fishermen, stone crabbing provides supplemental income for most of the fishermen in this fishery. In all of the counties under discussion, the fishery was developed by older established family groups with traditions of fishing and coastal life.

(iv) *Recreational Fishing*

The social and cultural characteristics of fishermen who participate in the recreational sector of the fishery have been discussed in Section 8 and elsewhere in this section. The social and cultural benefits generated by the recreational sector have also been enumerated in these sections.

(v) *Economic Dependence on Commercial or Marine Recreational Fishing and Related Activities.* Based upon available evidence, there are perhaps as many as 950 full-time stone crab fishermen who are largely if not solely dependent upon, the stone crab fishery for a livelihood. Half of these or approximately 475 are vessel owners and operators. These individuals are private businessmen as well as crabbers and have substantial investments in a vessel, traps, other gear and equipment. The loss or a large permanent reduction in crab catch could result in heavy financial losses or bankruptcy to some vessel owners. Approximately 475 crabbers who work with vessel owners are also dependent on the fishery for a livelihood. Alternative employment in some of the stone crab fishery areas does not appear to be particularly bright.

Florida Department of Natural Resources reports that in addition to these, there are approximately 1,197 part-time crabbers who were issued permits for 1977–78 season and who fish for stone crabs as a source of crabmeat for home consumption, for sale and as a source of recreation.

The stone crab claw processing sector is made up of some 46 dealers of all sorts who are on the average about 25 percent dependent on stone crabs for business income. This segment employs about 105 person-years full-time in stone crab processing alone. In addition, support industries such as stone crab trap manufacturers are dependent on stone crabs as a source of income. Some of these are home industries composed of family members and are located in low income areas. Indications are that crabbers own about 265,000 traps and related gear with a purchase value of about $2.7 million and $5.4 million and a useful life of about 3 years duration.

It is estimated that there are in total approximately 950 persons who are directly employed in the stone crab industry and who are dependent on it for a living. In addition, there are many others who are indirectly involved with the stone crab industry and who derive at least a part of their income from this fishery. This latter group includes vessel, boat, trap, and other gear manufacturers; local marine supply firms, transportation, packaging, and sales personnel.

The area of Everglades City-Chokoloskee in Collier county and a part of Monroe county is heavily dependent on the stone crab fishery as an economic base. This fishery is estimated to be about 75 percent of this community's economic base. No other community is so heavily dependent on the fishery. However, there are other small communities where the stone crab fishery is an important source of income.

Further detailed analysis of the economic dependence of local communities on stone crabs must be postponed pending the availability of additional data.

From available information we find no established Indian fishing rights which apply to the stone crab fishery.

12. Determination of Optimum Yield

Optimum yield from a fishery is the amount of fish which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, and which is prescribed as such on the basis of the maximum sustainable yield from that fishery, as modified by any relevant economic, social, or ecological factor (PL 94–265).

(i) *Specification of the Fishery and Management Unit.* The stone crab fishery exists throughout the northern Gulf of Mexico from Florida to Texas. However, because of limited habitat and less than optimum environmental conditions, the abundance of stone crabs is extremely limited in the northern Gulf of Mexico westward of Franklin County, Florida. Stone crabs have not been recorded in the commercial landings west of this area. Stone crabs are extremely rare in the waters of Alabama, Mississippi, Louisiana and east Texas and, therefore, no management is needed.

The management unit or regime under this plan is specified to be the West Coast of Florida, including the Keys. Should the need for management of the stocks in other areas arise in the future, the management unit will be modified to include these areas.

(ii) *Specific Management Objectives.* In consideration of all biological, economic, social and ecological factors the following are specific management objectives appropriate for the Gulf of Mexico stone crab fishery:

1. Provide for *orderly conduct* of the stone crab fishery in the management area to *reduce conflict* between stone crab fishermen and other fishermen in the area.

2. Establish an effective fishery *statistical reporting* system for monitoring the stone crab fishery.

3. Attain *full utilization* of the stone crab resource in the management area.

4. Promote *uniformity of regulations* throughout the management area.

(iii) *Description of Alternatives.* To achieve the management objectives listed in section 12(ii), a variety of options were considered by the stone crab task team, by the stone crab advisory panel, and finally by the Gulf of Mexico Fishery Management Council. The following are the recommended management options to achieve the management objectives listed above:

1. *Harvest*—a. Adopt the minimum claw size (7.0 centimeters (2¾ in) propodus) presently required under Florida statutes (Figure 12–1). Life history information given in Section 5, and explanatory information given in Section 12(v) suggests harvest of stone crabs with claws this size will both provide for a highly acceptable market product and allow sufficient spawning prior to harvest. Orderly enforcement is also enhanced by specifying this claw size identical to that required by Florida statutes.

b. Require that declawed stone crabs and crabs with undersized claws be returned to the water, not landed. This objective is recommended not only in FCZ, but also in Everglades National Park waters. The Council should request that the Florida statute that requires declawed bodies to "be returned immediately to the water" be amended to read "be returned to the water, not landed." Processing practices require that crabs be kept aboard and declawed on the way to shore. This is because claws cannot be refrigerated before cooking without adversely affecting the quality.

c. Require that all vessels and boats fishing stone crabs in the FCZ be required to shade the live crab box from direct sunlight. Shading will eliminate some mortality among crabs being held aboard the vessel and thereby increase survival of crabs returned to the water after declawing.

d. Allow harvest of both claws as is allowed under Florida statutes. Considering the harvest mortality information available, harvest of both claws is the wise management practice.

e. Make it illegal to pull another person's pots (traps) in the FCZ and restrict the pulling of traps to daylight hours.

2. *Fishing season*—The closed season for taking of stone crabs in the FCZ each year shall be between May 15 and October 15. Life history information indicates this closed season will allow harvest of crabs only during the time when minimum spawning occurs. This season is also fully compatible with present Florida statutes, therefore, will allow orderly management and minimize enforcement problems. The FCZ open season for stone crabs shall include a grace period which allows that traps be placed in the water 10 days prior to the season opening and be allowed in the water until 5 days after the season closes.

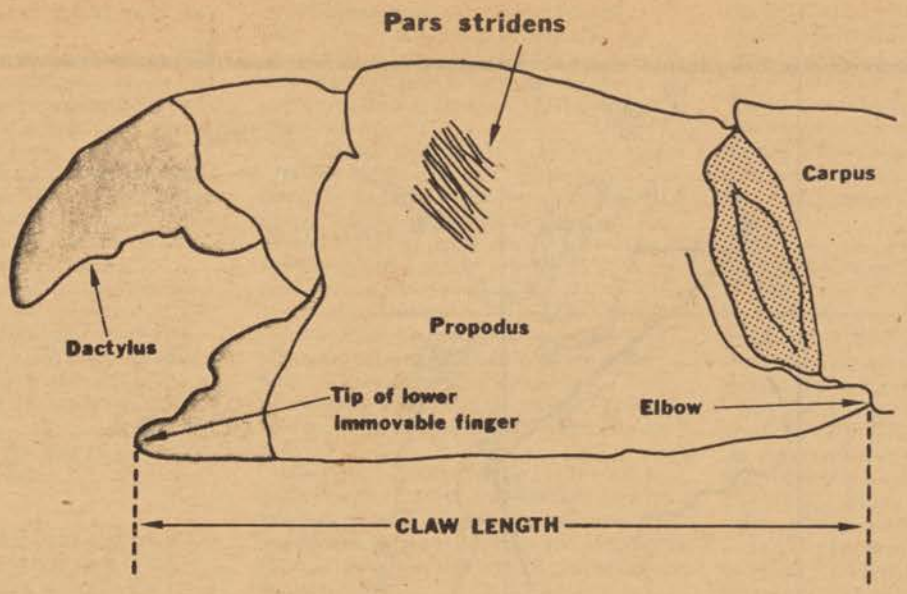


Figure: 12–1 Measurement of the claw length (propodus) in stone crabs (Adapted from manuscript by T. Savage and J. R. Sullivan)

3. *Gear Limitations*—Require degradable escape panels in plastic or other nondeteriorating stone crab traps. The purpose of this recommendation is to prevent unnecessary mortality in lost traps which continue to fish unattended.

4. *Registration*—All vessels fishing for stone crabs in the FCZ be enumerated for the purpose of collection of data neccessary to properly manage the fishery. Vessels shall be designated:

1. Commercial, full or part time
2. Recreational

5. *Information to be reported by fishermen and processors/dealers*—a. Dealer/processors shall be required to report pounds of stone crabs handled, value, and size classes of claws.

b. Fishermen shall be required to submit daily trip tickets reporting catch, traps pulled daily, total number of traps being fished and the zone where traps are being fished. To implement a statistical system covering all segments of the stone crab resource, the Department of Commerce should coordinate their system with the system now in use by Everglades National Park.

6. *Steps recommended to avoid gear conflicts*—a. Establish a line of separation starting in the Florida Keys at Snipe Point (Point F defined on Chart 11420 as 24°41.9′N and 81°40.5′W) proceeding northwesterly to Point E (defined as 24°54.5′N and 81°50.5′W) thence northeasterly along a line on a compass bearing of approximately 010° magnetic to Point D (25°09.0′N and 81°47.6′W) thence northwesterly along the 8 fathom line on a compass bearing of approximately 344.5° magnetic to Point C (described as 26°0.0′N and 82°04.0′W) and thence northeasterly to 6 fathoms along a line on a bearing of approximately 016° magnetic to Point B (26°16.0′N and 81°58.5′W) and thence northwesterly along a line on a compass bearing of approximately 311° magnetic to Point A (26°36.4′N and 82°24.3′W) and thence east to Captiva Pass (Figure 12–2). The specific location of Points A through F are as follows:

Point:	Location
A	lat. 26°36.4′N; long. 82°24.3′W.
B	lat. 26°16.0′N; long. 81°58.5′W.
C	lat. 26°00.0′N; long. 82°04.0′W.
D	lat. 25°09.0′N; long. 81°47.6′W.
E	lat. 24°54.5′N; long. 81°50.5′W.
F	lat. 24°41.9′N; long. 81°40.5′W.

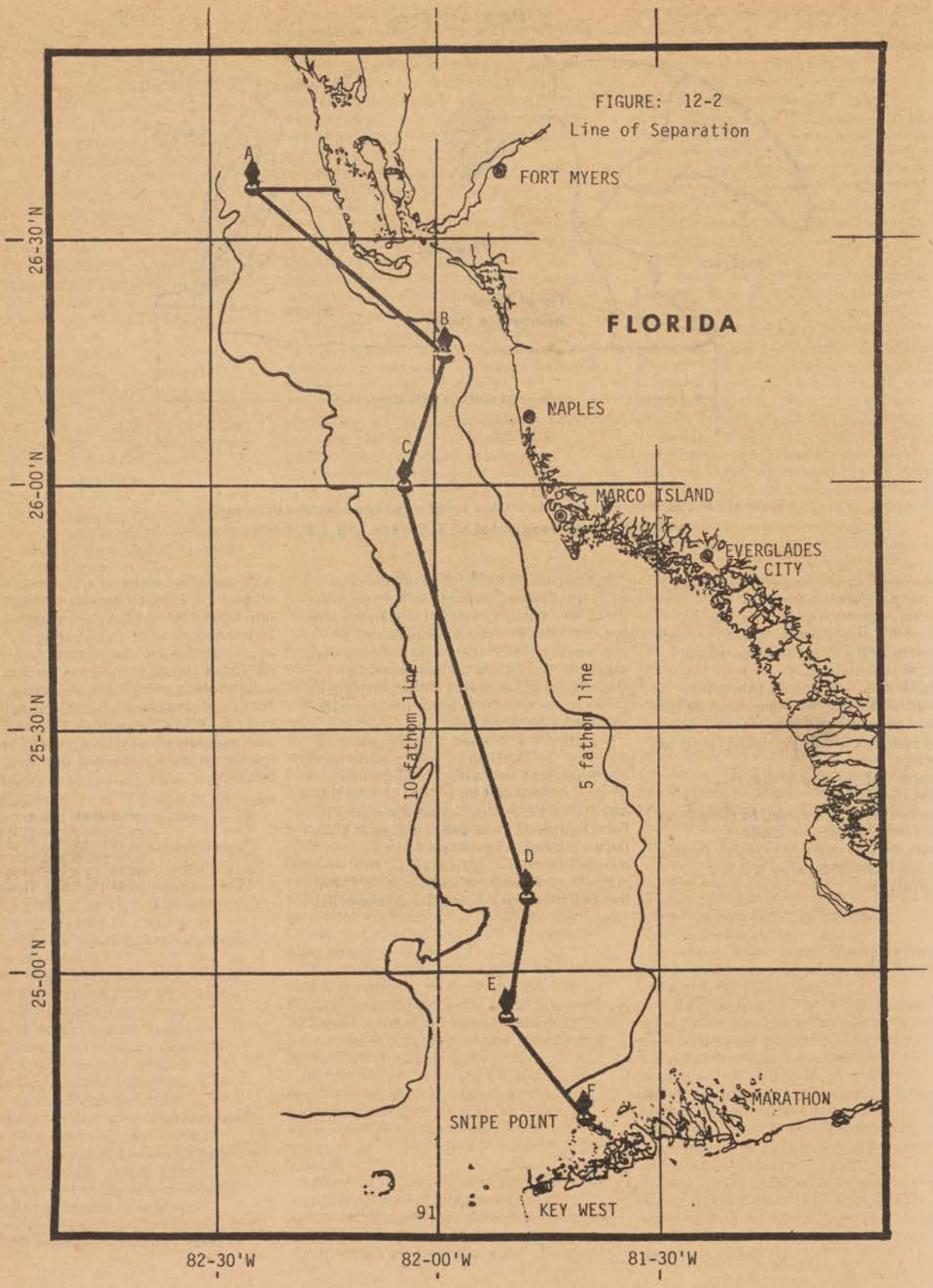


FIGURE: 12-2
Line of Separation
FORT MYERS
FLORIDA
NAPLES
MARCO ISLAND
EVERGLADES CITY
10 fathom line
5 fathom line
SNIPE POINT
MARATHON
KEY WEST
91
A
B
C
D
E
F
26-30'N
26-00'N
25-30'N
25-00'N
82-30'W
82-00'W
81-30'W

b. Prohibit shrimp trawling inshore of the line January 1 to May 20.

c. Distribute charts and a description of the line including loran coordinates.

d. Allow limited supervised exploratory shrimp fishing inside of line, January 1 to May 20.

e. Recommend state adoption of trawling prohibition in territorial waters (within line).

f. Permit live bait shrimping inshore of line.

g. Require identification marking for live bait vessels to facilitate enforcement.

(iv) *Analysis of Beneficial and Adverse Impacts of Recommended Management Options.* Most of the beneficial or adverse impacts of the options being recommended are given or inferred in Section 12(ii). The following primary options require further consideration:

1. Establishment of the "line of separation * * *" shown in Figure 12–2.

Benefits

This line was established in a series of meetings between representatives of the stone crab and shrimping industry. The meetings were held under the auspices of the Gulf of Mexico Fishery Management Council. The line, if legally established, will aid in solving the primary problem identified as orderly management of Gulf stone crab stocks. The line will minimize conflicts between stone crab fishermen and shrimp fishermen (details of these conflicts are given in Section 8.)

Adverse impacts

The line given in Figure 12–2 even though restrictive to shrimp fishermen, will result in a net positive effect on both the stone crab and shrimp fisheries.

2. Adopt minimum claw size of 7.0 centimeters (2¾ inches).

Benefits

This option will allow orderly enforcement of regulations relating to stone crabs. Without uniform regulations in the FCZ and in State territorial waters enforcement of regulations would be very difficult.

Adverse impacts

There are no obvious adverse impacts to this proposed option except that the option will require constant cooperative action between State and Federal authorities in enforcement.

3. Adopt a closed season between May 15 and October 15.

The best life history information available indicates this season will provide adequate unmolested spawning for stone crabs. The fact that this closed season is identical to the season in the State of Florida territorial waters aids enforcement.

Adverse impacts

No adverse impacts are noted in considering this recommended season.

(v) *Trade-Offs Between the Beneficial and Adverse Impacts of the Preferred or Optimal Management Options.* Few preferred versus optional management options were available for this plan. Most options considered could be readily selected or rejected. Possible trade-offs are inferred in information and comments given in Section 12(i), 12(ii), 12(iii), and a general discussion of management options as they apply to crab fisheries is given in Section 13.

(vi) *Specification of Optimum Yield (OY).* The Gulf of Mexico stone crab fishery, currently centered in the State of Florida, is a fishery which will provide the greatest overall benefit to the Nation by harvesting the maximum poundage which can be produced on a sustainable basis. OY is specified as follows:

All harvestable adult stone crabs in the management area between October 5 and May 15 that have a claw size of 7.0 centimeters (2¾ inches) or greater. (This will be approximately 2.4 milion pounds of claw weight.)

Life history factors detailed in Section 5 and management recommendations given in this plan provide reliable constraints on this fishery to prevent overfishing and support the OY as stated above. Briefly, these factors and constraints are:

(1) Stone crabs exhibit a high reproductive potential. A single female may produce six to ten egg masses each spawning season and each egg mass may contain 160,000 to 350,000 eggs.

(2) Stone crabs grow to maturity in about two years but do not reach legal size until they are approximately three years old. Therefore, they have the opportunity to spawn several times before they are subject to harvest by the fishery.

(3) Stone crabs are protected from harvest during most of the spawning season by regulations of the State of Florida and by management recommendations on the fishing season in this plan.

(4) Since only the claws of stone crabs are taken, a percentage of the crabs returned to the water survive to produce a second crop of harvestable claws.

13. Measures, Requirements, Conditions or Restrictions Specified to Attain Management Objectives

Measures or regulations used in attempts to solve management problems in North American crab fisheries were discussed by Miller (1976). These measures included: minimum size limits; closed areas; closed seasons; protection of eggbearing or female crabs; gear restrictions; licensing of fishermen; limited entry of fishermen or boats; daily bag limits; total catch limitations; and habitat improvement. Each of these types of measures has been considered for this plan.

(i) *Permits and Fees.* No permits will be required for vessels fishing stone crabs in the FCZ nor will fees be charged. All vessels fishing for stone crabs in the FCZ, however, must be registered (enumerated) by the appropriate federal or state agency.

(ii) *Time and Area Restrictions.* Required time and area restrictions are covered in Section 12. Briefly, the open season for stone crab fishing in the FCZ should be identical to that now designated for the State of Florida, i.e., October 15 to May 15 as specified in Statute 370.13 of the Florida laws. The season recommended was chosen primarily on the basis of life history studies covered in Section 5 of this plan. Our analysis concluded that the season now set by the State of Florida follows sound management principals. Additional comments relating to the recommended season are given in Section 12(v)(3).

Required area restrictions, to avoid conflicts between fishermen, is given in Section 12 (iii) 6. It is important to note that conflicts between fishermen have been disruptive to the fishery, and the area restrictions recommended are designed specifically to minimize these conflicts.

(iii) *Catch Limitation.* (A) *Total allowable level of foreign fishing.*—Optimum yield for the stone crab fishery is estimated to be approximately 2.4 million pounds of claws. The present fishery is expanding and catches may continue to increase. The domestic fishery has the capacity to harvest the optimum yield (see Section 8). Therefore, no surplus exists between optimum yield and the domestic harvesting capacity. The total allowable level of foreign fishing (TALFF) is therefore zero.

(B) *Types of catch limitations.*—This section is discretionary. No further information is required other than that given in Section 12.

(iv) *Types of Vessels, Gear and Enforcement Devices.* This section is discretionary. No additional information is required regarding vessels, gear and enforcement devices to formulate an effective stone crab management plan.

(v) *State, Local, and Other Laws and Policies.* Information relevant to state management measures and regulations is given in Section 7(iv). One goal of this management plan is to achieve compatibility with state laws relating to management of stone crab populations.

(vi) *Limited Entry.* Limited entry was addressed for the stone crab fishery within the management unit and is not recommended at this time.

(vii) *Habitat Preservation, Protection and Restoration.* Preservation of stone crab habitat and its productivity is of vital importance in ensuring continuing maximum stone crab production. Fortunately, the area of greatest fishing intensity and productivity (The Everglades-Florida Bay Region) has been protected in the past, and is expected to be protected in the future, by the National Park Service. Also federal, state, and in the case of Monroe and Collier Counties, local laws, restrict the degree of future habitat changes throughout the range of the stone crab fishery [see section 6(iii)j]. Therefore, we have concluded that proper enforcement of existing legislation should be adequate to prevent degradation of stone crab habitat, and that no new measures are needed to protect or restore habitat.

(viii) *Development of Fishery Resources.* An insignificant poundage of bycatch is taken in the stone crab fishery.

(ix) *Management Costs and Revenues.* No sources of revenue have been identified in this plan. To estimate annual management and enforcement costs to implement the stone crab management plan some basic costs were obtained from the NMFS Regional Law Enforcement Division, St. Petersburg, Florida, and from the U.S. Coast Guard. Patrol of the line separating the stone crab fishery from the shrimp trawl fishery will be required. Patrol by the U.S. Coast Guard will be needed particularly in the period from January 1 to May 20. Basic enforcement costs are as follows:

(1) Two full-time patrol agents	$50,000.00
(2) Use of an 82-ft Coast Guard patrol boat for 60 days at $2,031.38 per day	243,765.60
(3) Use of one Coast Guard H-3 helicopter for a total of 23 hours at $910.20 per hour	41,869.20
Total	335,634.80

14. Specification and Source of Pertinent Fishery Data

(i) *General.* Proper management of the stone crab fishery can only be achieved if adequate information is made available to authorities for correct interpretation of the status of the fishery over time. Data needs fall into three broad classes: biological, economical, and sociological. Section 12(ii) lists information which will be acquired in the near future in a required statistical reporting system. Most of the remaining unavailable information will need to be clearly identified and generated through well designed research projects on a priority basis.

Complete understanding of the biology and ecology of the organism is necessary for understanding the stock availability to the fishery and the effects of harvesting on the ecosystem in which the animal is interacting. Important biological data include:

1. construction of life tables for the stone crabs—age specific fecundity and mortality;

2. knowledge of life history strategies—size and age of first and last reproduction, estimated reproductive contribution over the life span; number of offspring per brood, timing of reproductive effort, and energy investment for reproductive effort;

3. patterns of dispersal of all life stages—migratory patterns and recruitment and nursery areas;

4. distribution and abundance—delineation of stock units, standing stock assessments, and behavioral and/or ecological factors influencing distribution and abundance.

The nature of the stone crab fishery is such that information is also needed on:

1. natural growth—molt frequency and claw loss and regeneration rates of legal sized crabs of both sexes and by size class;

2. declawing and desiccation effects—survival rates and reproductive potentials of harvested crabs after prolonged exposure to air followed by declawing.

Knowledge of these biological data are necessary not only for proper management of the fishery but also to improve the maximum sustainable yield estimates in the management plan and as a predictive tool to estimate available harvest in subsequent years.

Economic statistics serve as an indicator of profitability and as a measure of health of the fishery. They also enable some prediction of response of the industry to fluctuations in catch or value of catch. Two economic statistics are also valuable from a biological viewpoint:

1. catch (pounds and price) by month, area, and gear type;

2. size composition of the catch.

Other economic data needs include:

1. production statistics—landings, and measures of effort; and cost-benefit relationships;

2. market information—employment, prices, and volume sold at all levels of turnover (dockside, wholesale, and retail);

3. income from other fisheries in which stone crab fishermen particpate and interrelationships of the fisheries.

Sociological data can help interpret dependence of an area on the fishery and impact of proposed managment decisions upon the population. Relevant data are:

1. socio-economic statistics—per capita income, employment levels and opportunities, and potential of the area for income sources other than fishing (industrial development, tourism, etc.);

2. demographic information—population size and structure, age composition, family size, and educational backgrounds of individuals involved in the industry.

Collection of data in all categories cannot be easily attained. However, effort can be minimized and much information obtained by fully exploiting periodic reportage of data from fishermen and processors. Suggestions for maximizing the amount of data retrieved from fishermen and processors are discussed in the following sections.

(ii) *Domestic Fishermen (Data requirements).* Stone crab fishery statistics can be obtained from the Data Management and Statistics Division, NMFS. The specific sources are the "Current Fisheries Statistics" (CFS) publications, "Annual Dealer Surveys," and the annual "Fishery Statistics of the U.S., Statistical Digest".

The CFS publications pertain mainly to information and statistics of landings, value, ports of landings, and prices of seafoods. Market conditions and summarizations of fisheries may be included. These are compiled from dealer reports and periodic interviews by port statistical agents with industry members. The statistical information is published in preliminary form and appears tri-weekly, weekly, monthly, and annually. Special summaries and analyses are also published in this series.

Information from "Annual Dealer Surveys" is available as computer data tapes from the Data Management and Statistics Division. These data tapes, entitled the "General Canvass Survey", provide the following: year, state, county, water, gear, species, pounds, value, and price. The "Vessel Operating Units Survey" provides the following: vessel name, and number, rig, gross tons, length, year built, engine horsepower, number of crew, number of gear, year, state and county. These data are unpublished, but can be obtained by request.

Historical information is available from the publication "Fishery Statistics of the U.S." which is derived from NMFS, other governmental and non-governmental sources. Fishery statistics generated by the Data Management and Statistics Division are directed toward various users in different fields, economics, marketing, finance, as well as the fishing industry, scientists, and managers.

Fishermen are required by law to obtain a vessel permit to set stone crab traps in Florida state waters. Permit applications are valuable sources of much data and, with modification, could easily provide even more statistical information. Florida state permit applications provide the following information:

1. Florida address;

2. whether or not the individual is a resident of Florida and his permanent address if he is out-of-state;

3. number of traps to be fished;

4. whether the individual is part-time or full-time;

5. boat registration—name and address of registered owner of boat;

6. area fished by county;

7. color of buoys and boats.

These statistics provide economists with much information on the extent of the industry. However, the reliability of answers given by participants should be checked at least every fifth year by sampling permit holders through independent mail questionnaires or interviews, or actual field checks on numbers of traps stored during closed season.

Permit applications presently used by the Florida Department of Natural Resources do not allow easy division of participants in the fishery into recreational or commercial fisherment. This division is important in fishery management and, as illustrated in other sections of this management plan (Sections 8 and 9) has been very difficult to ascertain. Additional information that would help clarify the status of participants could be incorporated into the current permit application form. Questions should include:

1. whether the individual considers himself a recreational or commercial fisherman;

2. size of vessel by length, gross tonnage, and motor size;

3. actual number of traps fished the previous year;

4. number of men usually in the crew of the registered boat listed on the permit application.

Incorporation of these additional questions would also provide much needed information for estimates of catch per unit effort and enable relatively easy verification of validity of answers given by cross checking with other data sources, such as state and federal craft registrations.

An additional problem in the stone crab fishery occurs when fishermen bypass processors and sell directly to a final market-local grocery, restaurant, or another individual. An unknown quantity of crab claws enter the market in this way. Information submitted by participants in the fishery is required to be held confidential (P.L. 94–263, Part 603). Fishermen may provide more personal information that would help account for these landings if a statement to this effect was included in the permit application.

To monitor and make meaningful assessments or predictions of the condition of the stone crab fishery, more detailed information on a continuous basis is required. Methods of collecting more detailed data from domestic commercial fishermen are:

1. Fishing logbooks are useful if pertinent data are entered by the fishermen on a regular basis. Information on number of men in the crew, length of time traps have been left in the water before each pulling, actual number of traps pulled per day, actual number of traps in the water at a given time, actual area fished, and dates of fishing can best be documented by keeping a simple log. However logbooks are often inaccurate since data are estimated or entered after-the-fact. Some fishermen already keep such a log for their own use. This practice requires a little effort on the fisherman's part, but considerable work is needed to compile and analyze the data unless it is computerized. The system requires constant contact between fishermen and collection personnel. The log booklets could be distributed and returned each year with permit applications. Logbooks should be subject to inspection by authorized officials of the National Marine Fisheries Service and should be presented for examiniation as required. Logbooks must contain the following information:

1. name and address of the vessel owner;
2. name, number and size of vessel;
3. landings in pounds of claws by trip, by size and place of landings;
4. pounds sold to dealers and pounds sold to other than processor/dealers;
5. ex-vessel value in dollars of sales of landings as specified above;
6. number of other crew members;
7. number of days fished during the report period;
8. kind and numbers of traps fished.

Other information may be required by the Secretary from time to time.

2. Personal interviews and field surveys are necessary in all methods in order to maintain acceptable quality and flow of data but complete dependency on interviews and field surveys are not feasible due to high cost of personnel and travel.

3. The fish ticket system is the most effective method of obtaining complete, accuratge, continuing detailed information. The foundation of the system is the individual fish receipt (fish ticket) made out by the dealer which serves as a legal record of a purchase transaction with a fisherman. Every purchasing transaction is recorded on an accountable numbered fish receipt form supplied to the dealer by the collection agency. The dealer obtains information from the producing fisherman at the time of the transaction. A carbon copy duplicate of each completed transaction is sent to a data collection center for processing. No other reporting is required of the dealer. The data collection center produces a continuing record of all commercial seafood production.

In order to operate successfully all commercial fishermen, vessels and dealers must be permitted.

Foreign Fishermen

There is no foreign fishing for stone crabs in U.S. waters of the Gulf of Mexico.

(iii) *Processors.* Monthly landings by processor and area are currently taken by NMFS. A recurrent problem in attempting to evaluate landings and price data is the lack of uniformity in size classes of claws. Some standardization should be enacted and pounds and value of dockside landings recorded for each size class for each processor.

Among processors, crab claws are freqently exchanged at least twice. Recording pounds and prices, by size class, of claws obtained from other processors would provide additional economic information on total value of the fishery. Also, processors could list their sales by pounds, price, and purchaser. Presently, processors are only required to record pounds received from, and price paid to fishermen. Similar statistics on their sales would assit in correct market analysis.

All persons, individuals, firms, corporations or other business associations of any port or place in the United States or its possessions that buy and/or receive stone crab claws from U.S. vessesl or boats are required to maintain and provide to any authorized agent of the National Marine Fisheries Service as requested, records of all transactions involving stone crab claws on forms supplied by the National Marine Fisheries Service. In the State of Florida, as in other states, data collection from seafood dealers by the National Marine Fisheries Service should be fully coordinated and in cooperation with the Florida Department of Natual Resources to avoid duplication of reporting and compiling of statistics. Data requirement of procesors and other dealers are listed below.

Name end address of the firm.
Name of the respondent.
Telephone number of the respondent.
Reporting period.
Number of stone crab vessels owned.
Number of stone crab vessels supplying the firm during the reporting period.
Pounds of stone crabs landed by your own vessel by size.
Pounds of stone crabs bought from supply vessels by size.
Pounds of stone crabs bought from other sources.
Pounds of stone crabs claws processed (cooked).
Pounds of processed stone crab claws sold by size.
Value of stone crab claws sales at wholesale and at retail size.

Additional data may be required by the Secretary from time to time.

15. Relationship of the Recommended Measures to Existing Applicable Law and Policies

(i) *Fishery Management Plans.* Measures recommended for the stone crab fishery have no impact on other approved fishery management plans. The measures recommended will have an impact on the Gulf of Mexico shrimp management plan now in preparation. Details of this relationship are given in the Economic Impact Analysis for the stone crab fishery.

(ii) *Treaties or International Agreements.* Since no foreign fishermen participate and stone crab stocks considered here are within U.S. waters, treaties and international agreements currently have no impact on this fishery.

(iii) *Federal Law and Policies.* Federal law and policies which may have some impact on the Gulf of Mexico stone crab fishery are discussed in Section 7 (iii).

(iv) *State, Local and Other Applicable Laws and Policies.* State local and other laws which may constrain implementation of the recommended measures are discussed in detail in Section 7 (iv) and 7 (v).

16. Council Review and Monitoring of the Plan

(i) *General Approach.* The Gulf of Mexico Fishery Management Council, will, after approval and implementation of this plan by the Secretary, maintain a continuing review of the fishery managed under this plan by the following methods:

(A) Maintain close liaison with the management and enforcement agencies involved to assess the condition of the stocks and the effectiveness of the management measures and regulations and compliance by the fishermen with the regulations. Florida Department of Natual Resources, National Marine Fisheries Service, National Park Service and the U.S. Coast Guard are the primary agencies with which especially close liaison will be established for plan monitoring. Periodic contacts will be maintained with other state resource agencies.

(B) Maintain close liaison with the members of the Stone Crab Subpanel and Shrimp Subpanel of the Council's Fishery Advisory Panel to assess the effectiveness of the management measures (and regulations) and the need for implementation of other measures or revisions of existing measures.

(C) Promote research to increase the knowledge of the fishery and resource by the following methods:

a. Identify the research required for better management of the fishery and resource.

b. Request National Marine Fisheries Service (NMFS) consider these research needs and identify those which they can immediately address and those which will require efforts by other agencies or groups.

c. Request state and university participation in research under their own programs to fill these data needs.

d. Provide Council funding for research that cannot be addressed by NMFS, state and university entities.

e. Assess the effectiveness of the statistical reporting system and recommend changes to NMFS or fund specific one-time surveys for data collection where data gaps exist.

(D) Conduct public hearings at appropriate times and locations in the areas where the fishing effort is concentrated to hear testimony on the effectiveness of all aspects of the plan and the changes needed in the plan. Hearings will normally be held following the fishing season, unless special problems which require more immediate action arises at other times.

(E) Consideration by Council and its advisory groups of all information gained from the first four activities listed above, and if necessary, prepare amendments to the plan. Hold public hearings on the amendments prior to sending them to the Secretary.

(ii) *Specific Monitoring Considerations.* (A) *Line of separation to reduce gear conflict.*— One of the primary objectives of the plan is to reduce the gear conflict between stone crab and shrimp fishermen. The line as described in the plan will be evaluated annually for its effectiveness, fairness, and impact on the two industries. Efforts through properly supervised exploratory fishing will be made to delineate shrimp grounds of prime importance within the area closed to shrimpers. If prime areas of importance are located, mechanisms for allowing limited access during peak periods of shrimp production will be explored. The need for extension of the line as described in this plan or some modification to other areas to resolve gear conflict, will be evaluated annually.

(B) *Status or condition of the stocks.* The annual standing stock of harvestable crabs and MSY will be determined on best available data. As the statistical reporting system is improved and other surveys are completed which cover the data needed from all segments of the user groups, valid mathematical assessment of these population parameters will be available; however, for the immediate future, and as the plan presents no evidence of overfishing, emphasis will be on assessing the weakness, if any, and completeness of the present system and proposing and implementing modifications.

(C) *Harvesting practices.* Harvesting practices proposed under the plan will be evaluated for their effectiveness and for the additions or modifications needed. This will require identification and implementation of the research needed to effectively evaluate existing or proposed harvesting practice regulations.

(D) *Limits on fishing participation/effort.* Periodically (possibly less than annually), the statistical and other data generated on stock size, harvest, number of participants, amount of gear, catch per unit of effort, economic parameters of the fishery and other factors will be reviewed to assess the stability of the stocks and the economic stability of the industry and to determine if a limited access system is needed.

(E) *Standardization of management measures.* The Council will continue to work from the affected states to attempt to standardize regulations for the fishery in the FCZ and state territorial waters, where such standardization will serve a useful purpose.

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[FR Doc. 79-9537 Filed 4-2-79; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 65
Tuesday, April 3, 1979

This section of the FEDERAL REGISTER contains documents other than rulers 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.

DEPARTMENT OF AGRICULTURE

Forest Service

Arapahol and Roosevelt National Forests Cache la Poudre Wild and Scenic River Study; Intent to Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Statement for the Cache la Poudre Wild and Scenic River Study. This Wild and Scenic River Study will provide a recommendation for proposed Wild and Scenic River classification for the Cache la Poudre River located within the boundaries of the Arapaho and Roosevelt National Forests and Rocky Mountain National Park. The Arapaho and Roosevelt National Forests are administered by the Forest Supervisor located in Fort Collins, Colorado. Lands located within Rocky Mountain National Park are administered by the Superintendent located in Estes Park, Colorado.

This Study is being developed in accordance with the provisions of the Wild and Scenic River Act, Public Law 90–542, as amended.

The purpose of this Study is to evaluate the potential of the Cache la Poudre River, both the main fork and the south fork, for inclusion in the National Wild and Scenic River System. When completed, the Study may recommend future Wild and Scenic classification for the River.

Two public meetings have been conducted. The purposes of these sessions were to describe the planning process to be used in the Wild and Scenic River Study, and to gain public input and comment on matters significant to the Wild and Scenic River Study.

Based on input received from these public meetings, as well as from previous public involvement sessions held on the Forest, several alternatives have been developed to be analyzed and evaluated. Based on this evaluation, a Study recommendation will be prepared jointly by joint team leaders of the Wild and Scenic River Study, the USDA-Forest Service, and the State of Colorado. One additional public meeting is planned during which the results of the alternative analysis will be presented for public review.

Because of the significance of the environmental effects resulting from possible implementation of Wild and Scenic River classifications, it has been determined that an Environmental Statement will be prepared.

John R. McGuire, Chief, Forest Service, and Harrison Sherman, Director of the Department of Natural Resources, State of Colorado are the joint responsible officials. John M. De Vilbiss, Forest Planner, Arapaho and Roosevelt National Forest is the team leader for the environmental assessment and statement. The Draft Environmental Statement for the Plan is scheduled for filing in April, 1979. The Final Environmental Statement is scheduled for filing in September, 1979.

Comments on the Notice of Intent or the Wild and Scenic river planning process should be sent to Gray F. Reynolds, Forest Supervisor, Arapaho and Roosevelt National Forests at 301 S Howes Street, Fort Collins, CO 80521.

Dated: March 28, 1979.

R. Max Peterson,

Deputy Chief for Programs and Legislation.

[FR Doc. 79–10202 Filed 4–2–79; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc National Forest Grazing Advisory Board will meet at 1:00 p.m., May 16, 1979 in the Conference Room of the Supervisor's Office at 441 North Main Street, Alturas, California.

The purpose of this meeting is to discuss the expenditure of range betterment funds for FY 79, 80, and 81. We also plan to review several allotment management plans.

The meeting will be open to the public. Persons who wish to attend or who would like further information should notify William E. Britton, Modoc Supervisor's Office, telephone 916–233–5321. Written statements may be filed with the Board before or after the meeting.

March 26, 1979.

Kenneth C. Scoggin,

Forest Supervisor.

[FR Doc. 79–10131 Filed 4–2–79; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Mt. Baker-Snoqualmie National Forest; Availability of Environmental Assessment

An Environmental Assessment that discusses vegetation management for three activities, 1,161 acres of conifer release on 26 different units on Skykomish and Monte Cristo Ranger Districts, 2,277 acres of roadway corridor, and 40 acres of ski run area at Stevens Pass, is available for public review at the Supervisor's Office, Mt. Baker-Snoqualmie National Forest.

A combination of manual-mechanical and herbicide treatments will be used. Conifer release units will be sprayed with 2,4-D or 2,4-D plus atrazine. The foliage will be treated with Krenite. Release in two units will be done mechanically and with herbicides, using either Krenite, 2,4-D plus 2,4-DP or 2,4-D plus dicamba. Atratol 80W or "Spike" will be used next to the blacktop roads. Vegetation on the ski runs will be treated with 2,4-D plus 2,4-DP.

The Environmental Assessment does not indicate that this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in detail in the Environmental Assessment. (a) Application of the proposed herbicide formulations have only a slight effect on the ecosystem within the treatment areas. (b) There are no irreversible and irretrievable commitments of resources. (c) The individual projects are small in

size and are widely scattered throughout the Forest. (d) The strict management constraints for herbicide use make accidental degredation of the environment highly unlikely. (e) No herbicide will be applied immediately adjacent to existing water courses. (f) The timing of activities will generally minimize effects on the visual resources. (g) While the Stevens Pass Historical District includes one of the treatment sites, the 40 acres of ski runs are located well away from the historic railroad right-of-way. The Washington State Department of Archaeology and Historic Preservation has confirmed that no degredation will occur.

Some public concern has been expressed about direct or indirect human contact with herbicides. Concern about water quality has also been identified. The proposed action includes safety requirements and constraints designed to protect the health and safety of forest users and personnel working in the project area. Strict constraints on herbicide use will protect water quality; all State and Federal water quality standards will be met.

No action will be taken prior to 30 days from the date this Finding is published in the **Federal Register**. (May 3, 1979).

The responsible official is Don R. Campell, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Washington 98101.

Dated: March 20, 1979.

Don R. Campbell,

Forest Supervisor.

[FR Doc. 79-10060 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Colorado-Ute Electric Association, Inc.; Draft Environmental Impact Statement and Public Information Meeting

Notice is hereby given that the Rural Electrification Administration (REA) intends to prepare a draft environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a proposed application for financing from Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401. Notice is also given that REA will hold a public information meeting concerning the proposed project.

The statement will address the proposed financing of a 400 MW coal-fired electric generating unit planned for completion in 1983 and for location in the State of Colorado. The project would include additions and modifications to associated equipment and substations. Interested persons are invited to submit comments which may be helpful to REA in preparing the draft EIS. Comments should be sent to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

A representative of REA and a Colorado-Ute representative will co-chair the public information meeting which will be held on April 19, 1979, in the Craig High School auditorium at 915 Yampa Avenue, Craig, Colorado, beginning at 7:00 p.m. The meeting will be held in order to receive public input and comments concerning the need for the project, finalist sites proposed by Colorado-Ute, other potential alternatives, significant issues that should be addressed in the EIS and other matters concerning the proposal. Site selection studies result in two finalist sites under consideration. One is at Craig adjacent to two generating units currently under construction by Colorado-Ute and the other at Hayden adjacent to two existing units operated by Colorado-Ute. A record will be made of the meeting and comments made will be addressed in the draft EIS.

The REA encourages the general public to attend this meeting and provide their input. Any person or group which desires to place its comments, questions or recommendations in writing may do so either at the meeting or by submitting them to REA. Comments may be sent to the Rural Electrification Administration, at the address given above.

Requests for additional information or questions concerning the meeting may also be directed to Colorado-Ute at its address given above.

Dated at Washington, D.C., this 27th day of March, 1979.

Robert W. Feragen,

Administrator.

[FR Doc. 79-10090 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-15

Kamo Electric Cooperative, Inc., Vinita, Oklahoma; 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 $12,130,000 to KAMO Electric Cooperative, Inc., of Vinita, Oklahoma. These loan funds will be used to finance construction of 64 miles of 345 kV transmission lines and related facilities necessary to transmit power from the Black Fox nuclear generation plant into the transmission network of Associated Electric Cooperative, Inc., Springfield, Missouri.

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. B. Dean Sanger, Manager, KAMO Electric Cooperative, Inc., P.O. Box 577, Vinita, Oklahoma 74301.

In order to be considered, proposals must be submitted May 3, 1979, to Mr. Sanger. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as KAMO Electric 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 26th day of March, 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 79-10091 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Horse Pasture Creek Watershed, Va; Notice of 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 structure Number 3 of the Horse Pasture Creek Watershed, Henry County, Virginia.

The environmental assessment of this federally assisted action indicates that this portion of the project will not create

significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, has determined that preparation and review of an environmental impact statement is not needed.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement includes conservation land treatment supplemented by one single-purpose floodwater retarding structure.

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. David N. Grimwood, State Conservationist, Soil Conservation Service, 400 North 8th Street, Room 9201, Richmond, Virginia 23240, 804–782–2455. 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.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: March 26, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79–10132 Filed 4–2–79; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Eastern Air Lines, Inc., Respondent, Enforcement Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter will be held on May 1, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned judge.

Dated at Washington, D.C., March 26, 1979.

John J. Mathias,

Administrative Law Judge.

[Dockets 26368, 26369, 27415, 28292, 28294, 28830, 28597, 29213, 29216, 29247, 29228, 29229, 29856, 29998]

[FR Doc. 79–10136 Filed 4–2–79; 8:45 am]

BILLING CODE 6320–01–M

Los Angeles/San Diego/St. Louis/Kansas City/Hawaii Show Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–3–176, the Los Angeles/San Diego/St. Louis/Kansas City/Hawaii Show-Cause Proceeding, Docket 35157.

SUMMARY: The Board is proposing to grant Los Angeles/San Francisco/St. Louis/Kansas City-Honolulu nonstop authority to Trans World Airlines, Los Angeles/San Francisco-Honolulu authority to American Airlines and Northwest Airlines; and Los Angeles/San Francisco/St. Louis/Kansas City/San Diego-Honolulu authority to Hawaiian Airlines, Braniff Airways, World Airways, Trans International Airlines and Aeroamerica and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 30, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than April 16, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35157, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Donna Kaylor, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673–5380).

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Trans World, American, Northwest, Hawaiian, World, Trans International, Braniff, Aeroamerica, the Cincinnati Parties, the St. Louis Parties, the City and Chamber of Commerce of Kansas City, Missouri, the City of Philadelphia and the Greater Philadelphia Chamber of Commerce, and the State of Hawaii.

The complete text of Order 79–3–176 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–3–176 to the Distribution Section, Civil Aeronautics Board, Washington, D.C 20428.

By the Civil Aeronautics Board: March 28, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–10134 Filed 4–2–79; 8:45 am]

BILLING CODE 6320–01–M

CIVIL AERONAUTICS BOARD

Partial Waiver of Part 250 Notice Provisions

Order Granting Waiver

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C. on the 21st day of March, 1979.

Effective February 5, 1979, the Board amended its denied boarding compensation rules to relieve foreign air carriers from having to comply with certain Part 250 provisions on scheduled flights inbound to the U.S. If they elect not to comply, they are required by amended section 250.12 of the Economic Regulations to provide notice to that effect by including the following statement on ticket counter signs and with tickets sold in the U.S.:

[*Name of Carrier*] does not offer these consumer protections on inbound flights to the United States.

After our adoption of this amendment, several foreign air carriers have alerted us to potential problems with the rule as it currently stands. For example, representatives of British Airways and British Caledonian Airways, Ltd., met with the staff to discuss what they felt made the notice both inaccurate and difficult to administer. Communications to the same effect were received from an attorney representing seven Canadian and Continental European carriers. It became apparent that for those carriers who follow the denied boarding rules, but with the payment of a different level of compensation, the combination of the notice required by sections 250.12 and 250.11 could, in some circumstances, be misleading to the public. The reference in section 250.11(a) to "compensation" was intended to refer to the Board's compensation rules. However, section 250.12(a), in referring to consumer

protection, does not make this clear. Thus, a carrier that pays a different level of compensation does provide "compensation" as a consumer protection, and it is not proper to require it to say it does not. We, therefore, intend to permit carriers to vary the section 250.11(a) notice to use "payments of amounts set by the CAB" in lieu of the word "compensation." In addition, we will require the carrier to insure that consumers are supplied with a list of the consumer protections offered so that consumers will be truthfully and fully informed.

With respect to travel agents, the current rule could lead to a proliferation of notices thus making it difficult to administer. While this could possibly be cured by listing all nonconforming carriers on a single notice, it would be impractical to continually change the identification of nonconforming carriers as they came into compliance. Further, the notice may well become so long as to actually distract consumers from the most important part of the message. We have determined that a standardized notice of the approximate length of the current notice is best suited to our goal.

In order to permit standardization of notice to be provided by travel agents and avoid potential ambiguity, without compromising public awareness of carrier noncompliance, we are granting a waiver to all carriers to the extent necessary to permit them to substitute the language prescribed below in the notices required by sections 250.11 and 250.12. Standardization of notices in travel agents' office will, of course, be possible only if all carriers, both those that fully comply with Part 250 and those that do not, use the notices described below. This is also true of standard interline ticket stock whether issued by travel agents or at the airlines' offices. We believe that such standardization is a desirable objective, and, unless it is achieved voluntarily, for both the counter notices at travel agents' offices and on all standard ticket stock, we will propose further rulemaking to require all carriers to utilize the standard notices.

Finally, we will permit nonconforming carriers who provide some but not all of the Part 250 protections to utilize a different form of notice on the counter notices in its own offices, with all tickets it sells, and with all tickets sold on its stock. These notices will identify the carrier by name. In addition, subject to staff approval, it may more particularly describe the consumer protections it offers. This will provide consumers with an accurate description of what the particular carrier offers and will be simple for the carrier to administer. In this respect, it differs from the situation concerning travel agents and standard interline stock. Since we are here dealing with a single carrier, no confusion or difficulty in administration should arise.

Accordingly: 1. We waive section 250.11(a) to the extent necessary to permit any carrier to substitute the language "payment of amounts set by the U.S. Government" for the word "compensation" where it first appears in the notice prescribed by that section;

2. We waive section 250.12(a) to the extent necessary to permit any carrier to substitute the following language for the language prescribed by that section, where the notice is to appear on signs displayed in travel agents' offices and with tickets issued by travel agents on standard interline ticket stock, or on signs displayed in offices of conforming carriers and with tickets issued by conforming carriers on their own ticket stock:

> Some airlines offer less or no such protection on international flights inbound to the United States. Ask your airline or travel agent for a list of these airlines and the protections, if any, they offer.

Before the waiver in this paragraph may be used by a carrier, the following conditions must be met: (a) Each nonconforming carrier must file with the Bureau of Consumer Protection a statement of the consumer protections it offers, if any, for persons denied boarding on flights inbound to the United States, and must immediately notify the Bureau of any change in such protections offered; (b) nonconforming carriers must ensure that travel agents maintain and provide to passengers, on request, copies of the current list which has been compiled by the Bureau of Consumer Protection; and (c) conforming carriers must provide to passengers, on request, copies of the list.

3. We waive section 250.12(a) to the extent necessary to permit any nonconforming carrier which offers some but not all of the Part 250 protections to substitute, in lieu of the 250.12(a) statement on the counter notices in its own offices, with all tickets it sells, and with all tickets sold on its ticket stock, either (a) the following:

> [*Name of Carrier*] offers less or no such protection on international flights inbound to the United States. [Carrier may additionally describe what it offers, subject to the specific approval by the Director, Bureau of Pricing and Domestic Aviation, of the content or the notice].

or (b) other substitute language to the same effect, subject to the specific approval of the Director, Bureau of Pricing and Domestic Aviation, of the content of the notice; and

4. To the extent carriers choose to use the language of paragraph 2, 3, or both, they must also use the revision to section 250.11(a) in paragraph 1.

By the Civil Aeronautics Board[1]

Phyllis T. Kaylor,

Secretary.

[Order 79-3-123; Docket No. 33348]

[FR Doc. 79-10138 Filed 4-2-79; 8:45 am]

BILLING CODE 6320-01-M

Southwest Airlines Automatic Market Entry Investigation; Reconvening of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-titled proceeding which convened and adjourned on March 28, 1979, will reconvene before the undersigned on April 5, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

The issues are the same as those set out in the Notice of Prehearing Conference dated March 22, 1979 (44 FR 18257, March 27, 1979).

Dated at Washington, D.C., March 29, 1979.

William A. Kane, Jr.,

Administrative Law Judge.

[Docket 34582]

[FR Doc. 79-10135 Filed 4-2-79; 8:45 am]

BILLING CODE 6320-01-M

Systematic Review Guidelines

March 28, 1979.

Under the provisions of paragraph 5-402 of Executive Order 12065, the Civil Aeronautics Board authorizes the Archivist of the United States to proceed with the declassification of all material originated by this Agency prior to January 1, 1959. The guidelines apply only to information over which this agency has jurisdiction and which have been transferred to the General Services Administration and accessioned into the National Archives of the United States. In the matter of Foreign Information or U.S. Intelligence Information, the appropriate agency should confirm final determination.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-10137 Filed 4-2-79; 8:45 am]

BILLING CODE 6320-01-M

[1] All Members concurred.

United States-Canada "Seat Sale" fares proposed by Air Canada; Order of Contingent Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of March, 1979.

By tariff revisions filed February 22, 1979, for effectiveness from March 27 through May 7, 1979, Air Canada proposes new round-trip advance purchase excursion fares on all its North American routes, except Florida. These fares represent discounts of 50 to 65 percent from normal economy class fares. Reservations must be made at least seven days prior to commencement of travel and tickets must be purchased at least three days in advance. In addition, there is a 7/30 day minimum/maximum stay provision associated with these fares and the seats available to the consumer are limited by Air Canada.

The Board is encouraged by this filing, despite its limited duration, and restrictive conditions, because it would offer significant new low fare benefits to the public in markets where such opportunities thus far have been rather limited compared to U.S. domestic markets. The Government of Canada, however, has repeatedly prevented the offering of low fares in U.S.-Canadian air travel markets. Indeed we suspect that many U.S. carrier fare proposals may not have been filed because they were thought to be destined for rejection. In these circumstances we have difficulty allowing Air Canada's fares to go into effect without qualifications, since to do so would put Canadian authorities in the position of dictating fares in the market to the disadvantage of both consumers and the efficient operation of air carriers in the market.

In just the first three months of 1979 the Canadian authorities have blocked the following innovative low fare proposals made by U.S. carriers that would have offered substantial low fare benefits to both Canadian and U.S. citizens for their travel between the United States and Canada:

(1) A seven day advance purchase excursion fare between Toronto and Honolulu to be effective on January 1, 1979, offered by United. Canadian citizens have found Hawaii to be an attractive "sun spot" during this season and would have been offered a 33 percent discount, subject to a minimum stay of the first Sunday following departure;

(2) A reduction in the advance purchase period from 30 to 14 days, and in the minimum stay from seven days to the first Sunday following departure, on American's excursion fare, effective January 27, 1979;

(3) "Commuter" class and "leisure" class fares proposed by Hughes Airwest for effect January 28, 1979. Both fares would have offered a 30 percent discount and the "leisure" class fare would have required a minimum stay of the first Sunday following departure;

(4) Group-two excursion fares filed by United, Allegheny, American and Western Airlines for effect on various dates between February 1 and March 13, 1979. The fares would have offered a 50 percent discount to a "second" passenger from the fare paid by the "first" passenger; and

(5) A proposal to offer free transportation to a child aged 2 to 11 traveling on an APEX or tour-basing fare when accompanied by an adult, which was offered by United for effect February 2, 1979.

The basis of the Canadian action against these fares ranges from no reason given in the case of the United APEX fare between Toronto and Honolulu, to the charge that the group-two excursion fare was unacceptable because it contained no advance purchase requirement and the minimum stay (First Sunday) requirement was too liberal.

A number of significant, innovative low-fare proposals were rejected by Canada in 1978 as well:

(1) Super saver fares from Canada, which would have offered a 20 or 30 percent discount, with a seven-day advance purchase requirement;

(2) American's air/sea inclusive tour fares which would have offered a 25 percent discount and a 7/30-day stay period with reservations required 14 days before departure;

(3) Commuter and leisure class fares proposed by Hughes Airwest; and

(4) Eastern's unlimited mileage fare.

All but the super saver fares were discussed at the August 1978 fare consultations with Canada which did not result in Canadian approval of the fares.

The Board believes that all carriers should have the opportunity to compete with low fare filings and to develop their own solutions to cyclical traffic demand for their services. In this regard, we welcome the Air Canada initiative. We must, however, take action to avoid unreasonable Canadian Government action in denying similar initiatives by U.S. carriers. Traffic cycles often vary with directional flows over different city-pairs and by carrier, so that individual carriers must be free to offer various innovative prices during periods of low traffic demand for their services. We simply cannot allow the Canadian carriers to dictate the fare levels in these markets based on their seasonal capacity problems. In other words, U.S. carriers should be allowed to fill up otherwise empty seats with discount fare passengers during slack periods, even though Canadian carriers may not be experiencing slack demand. This, of course, would apply to Canadian carriers as well.

The Board's policy is to allow most new low fare filings that would permit greater use of air transportation and offer a wider array of choices for the consumer. Consequently we would normally conclude that we should not suspend this proposal, based on a number of factors: (1) the Air Canada proposal provides significant public benefits, albeit for a short period of time; (2) the Canadian and U.S. traveling public should not be denied the benefits of any low fares by any carrier; and (3) our permissiveness would have the effect of conveying to our Canadian friends, an open minded attitude toward permissive filings by all carriers. The hope would be that discussions between our two governments would produce an environment that would provide the public the low fares that they deserve and where any carrier on either side is free to file prices in an open competitive environment without arbitrary government intervention.

In this case, however, we feel it is imperative for us to reserve the option of immediately suspending the Canadian fare, if U.S. carrier tariffs providing low fares to Canada are not permitted by the Canadian Government. Such suspension of Air Canada's fare would be necessary in order to effectively preserve the public's right to low fares in these markets. The public stands to gain much more over the long run by our firm support of the right of competitive carriers to provide a variety of fare choices which make air travel available to more consumers and expand the total market, than they would by unqualified approval of these temporary Canadian fares.

We have concluded, therefore, that the public interest requires a conditional suspension of Air Canada's proposal. Our suspension will not become effective unless the Canadian authorities unreasonably take action to suspend or otherwise deny a *bona fide*, competitive fare proposal of any United States carrier. We would hope that meetings already scheduled with the Canadian Government will bring about a favorable resolution of fare problems.

and our conditional suspension will never take effect.

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 102, 204(a), 403, 801 and 1002(j) thereof,

1. We shall institute an investigation to determine whether the fares and provisions set forth in Appendix A hereof, and rules and regulations or practices affecting such fares and provisions, are or will be discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations or practices;

2. Pending hearing and decision by the Board, we suspend, effective on the date specified in paragraph 3 below, the tariff provisions specified in the attached Appendix A, and defer their use to and including March 26, 1980, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. The suspension provided for in paragraph 2 shall become effective on the date of the approval by the President of a subsequent order of the Board finding that the Government or aeronautical authorities of Canada have unreasonably refused to permit the charging of rates, fares, or charges contained in a properly filed and published tariff of an air carrier under the Federal Aviation Act for foreign air transportation between the United States and Canada.

4. We shall submit this order to the President [1] and it shall become effective on March 27, 1979;

5. We shall file copies of this order in the aforesaid tariffs and serve them upon Air Canada, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Hughes Airwest, United Air Lines, Inc. and Western Airlines, Inc.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[2]

Phyllis T. Kaylor,

Secretary.

[Order 79-3-162; Docket No. 35062]

[FR Doc. 10139, Filed 4-2-79; 8:45 am]

BILLING CODE 6320-01-M

[1] We submitted this order to the President on March 16, 1979.

[2] All Members concurred except Member O'Melia who was not present.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Approval for Relocation of Foreign-Trade Zone No. 14, Little Rock, Ark.

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Little Rock Port Authority (the Port Authority), on behalf of the Arkansas Department of Industrial Development, Grantee of Foreign-Trade Zone No. 14, located in Little Rock, Arkansas, within the Port Authority's industrial complex on the Arkansas River, has applied to the Board for authority to relocate the zone to a nearby 28-acre site within the complex;

Whereas, the application was accepted for filing on December 7, 1978, and notice inviting public comment was given in the Federal Register on December 13, 1978 (43 FR 58214);

Whereas, the present zone area is fully occupied and inadequate for the needs of present users and prospective tenants desiring to construct their own facilities;

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulations are satisfied, and that the approval of the application is in the public interest;

Now, therefore, the Board hereby orders that the Grantee is authorized to relocate Foreign-Trade Zone No. 14, in conformity with the application filed on December 7, 1978, with zone status of the present site to terminate as soon as all zone merchandise has been relocated, but no later than December 31, 1979. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 23rd day of March, 1979.

Juanita M. Kreps,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

John J. DaPonte,

Executive Secretary.

[Order No. 143]

[FR Doc. 79-10061 Filed 4-2-79; 8:45 am]

BILLING CODE 3510-25-M

Approval for Expansion of Foreign-Trade Zone No. 27, Boston, Mass.

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Massachusetts Port Authority (Massport), Grantee of Foreign-Trade Zone No. 27, has applied to the Board for authority to expand its existing zone to nearby sites at Commonwealth Pier No. 5 and the Commonwealth Storage Yards, both located on the Boston Inner Harbor;

Whereas, the application was accepted for filing on December 8, 1978, and notice inviting public comment was given in the **Federal Register** on December 13, 1978 (43 F.R. 58214);

Whereas, there has been a delay in the activation of the existing site which is designed primarily for light manufacturing and assembly operations;

Whereas, the proposed expansion sites are available and scheduled for immediate use;

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulations are satisfied, and that the approval of the application is in the public interest;

Now, therefore, the Board hereby orders that the Grantee is authorized to expand Foreign-Trade Zone No. 27, in conformity with the application filed on December 8, 1978, The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone. The authority given in this order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 23rd day of March 1979.

Juanita M. Kreps,

Secretary of Commerce, Chairman and Executive Officer Foreign-Trade Zones Board.

Attest:

John J. DaPonte,

Executive Secretary.

[Order No. 144]

[FR Doc. 79-10062 Filed 4-2-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, April 18, 1979, at 9:00 a.m. in Room 1626, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the **Federal Register** on September 14, 1978 (43 FR 41073).

For further information, contact Ms. Margaret A. Cornejo, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

Date: March 29, 1979.

Lawrence J. Brady,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, Department of Commerce.

[FR Doc. 79-10215 Filed 4-2-79; 8:45 am]

BILLING CODE 3510-25-M

Management Labor 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 management-Labor Textile Advisory Committee will be held on May 3, 1979 at 1:30 p.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5078.

Dated: March 28, 1979.

Arthur Garel,

Director, Office of Textiles.

[FR Doc. 79-10196 Filed 4-2-79 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 30, 1979.

The USAF Scientific Advisory Board will hold its Spring General Meeting on

April 30 to May 3, 1979 at Ramstein AB, Germany. The purpose of the meeting is to receive background on the USAFE mission, assets and key problem areas.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Carol M. Rose,
Air Force Federal Register, Liaison Officer.

[FR Doc. 79–10063 Filed 4–2–79; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Coastal Engineering Research Board; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub L. 92–463), notice is hereby given of a meeting of the Coastal Engineering Research Board on 24–26 April 1979.

The meeting will be held in the conference room of the Holiday Inn Downtown, 100 Datura Street, West Palm Beach, Florida, from 0800 hours to 0950 hours on 24 April 1979. The meeting on 25 April 1979 will be held in the conference room of the Konover Hotel, 5445 Collins Avenue, Miami Beach, Florida, from 0800 hours to 1600 hours, and from 0800 hours to 1145 hours on 26 April 1979.

The 24 April morning session will be devoted to South Atlantic Division Report on Shore Protection Project Monitoring Needs and Problems; an overview of erosion control studies and projects, and a preview of areas to be covered during the field inspection. The remainder of the session will be an aerial inspection of lower east coast erosion problem areas and erosion control projects from Palm Beach north to St. Lucie Inlet then south to Miami Beach, Florida.

The 25 April session will be devoted to a report on action items of last CERB meeting; report on further coordination with FIA; beach fill research; ecological effects of beach nourishment; report on DUCK–X experiments, and the FY 80 Coastal Engineering Research Program.

The 26 April morning session will be devoted to CERB discussion of the FY 80 Coastal Engineering Research Program; reimbursable support of the Corps; Improvement of Operation and Maintenance Techniques ocean related program, and CERB recommendations.

Participation by the public is scheduled at 1430 hours on 25 April 1979. The meeting will be open to the public subject to the following limitations:

a. As the seating capacity of the conference room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements, to be made a part of the minutes, may be submitted prior to, or up to 30 days following the meeting, but oral participation by the public is limited because of time schedule. Inquiries may be addressed to LTC Wilson P. Andrews, Executive Secretary, U.S. Army Coastal Engineering Research Board, Kingman Building, Fort Belvoir, VA 22060, Telephone (202) 325–7000.

By authority of the Secretary of the Army:
Dated: March 29, 1979.

John V. Ferry,
Major (P), U.S. Army, Acting Director, Administrative Management, TAGCEN.

[FR Doc. 79–10079 Filed 4–2–79; 8:45 am]

BILLING CODE 3710–92–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Atlantic Intracoastal Waterway Bridge Replacement Project at Coinjock, Currituck County, North Carolina

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action is to replace the existing swing-span bridge with a high level, fixed-span bridge which has a vertical waterway clearance of 65 feet. The proposed alignment crosses the AIWW approximately 900 feet east of the existing bridge.

2. Alternatives to the proposed action include replacing the existing structure with a bascule bridge which has the same waterway clearance as the existing bridge, replacing the existing bridge with a bascule bridge with a 40-foot vertical waterway clearance, replacing the existing bridge with a high level fixed-span bridge with a 65-foot vertical waterway clearance along an alignment other than the proposed alignment or no action.

3. a. The public involvement program was begun with a public meeting held on 20 October 1977. On 12 April 1978 a letter notifying interested agencies and parties of the intent to prepare a DEIS was mailed out. The letter outlined preliminary plans and requested review and comment. Agencies which responded with comments include the Environmental Protection Agency, the U.S. Department of Agriculture, Soil Conservation Service, the North Carolina Wildlife Resources Commission and the North Carolina Department of Natural Resources and Community Development. A social impact study was performed during which 30% of the residents on Coinjock were surveyed as to their views on the project. All additional agencies, organiztions and interested parties which have not been previously notified are invited to comment.

3. b. The significant issues analyzed in the DEIS are: (1) The selection of the alignment which has the best mix of the least cost, least community disruption and the least degradation to the natural resources; and (2) the selection of borrow areas which are least damaging to the natural resources.

3. c. The U.S. Fish and Wildlife Service has furnished input to the DEIS in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

4. No additional scoping meeting other than the one described in "3a" above, will be held due to the advanced state of the DEIS and the coordination that has taken place to date.

5. The DEIS will be available to the public in May of 1979.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Richard Jackson, Environmental Resources Branch, U.S. Army Engineer District, Wilmington, P.O. Box 1890, Wilmington, NC 28402.

Dated: March 26, 1979.

Adolph A. Hight,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79–10064 Filed 4–2–79; 8:45 am]

BILLING CODE 3710–08–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Carolina Beach Inlet Navigation Project

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The project would provide for a navigation channel having a project low water depth of 8 feet and a bottom width, at that level, of 150 feet extending from the seaward side of the

ocean bar at Carolina Beach Inlet to the intersection of the inlet with the Atlantic Intracoastal Waterway Channel.

2. The alternatives to the project are different locations for the inlet, inlet closure, jetties, navigation locks in Snows Cut (Atlantic Intracoastal Waterway), and "no action."

3. a. During the course of the planning study, a public involvement program was pursued for the purpose of obtaining views. In addition, two public meetings were conducted on 17 May 1971 and 28 June 1976. Local, State and Federal governmental agencies and representatives expressed and coordinated their interests in the planning process through written correspondence.

3. b. The primary identifiable problem is the need to improve the navigability of Carolina Beach Inlet due to the limitations and hazards imposed on small craft navigation by the shallow water depths over the inlet's ocean bar.

3. c. The U.S. Fish and Wildlife Service has furnished comments in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.)

4. Two public meetings were conducted on 17 May 1971 and 28 June 1976.

5. Estimated date of DEIS available to the public is May 1979.

ADDRESS: Richard Jackson/SAWEN-E, U.S. Army Engineer District, Wilmington, P.O. Box 1890, Wilmington, NC 28402.

Dated: March 22, 1979.

Adolph A. Hight,

Colonel, Corps of Engineers, District Engineer.

[FR 79-10065 Filed 4-2-79; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent to Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Completion of a Water Diversion Channel (Channel A) From Dry Lake to Devils Lake, Ramsey County, North Dakota

AGENCY: St. Paul District, U.S. Army Corps of Engineers.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Ramsey County Water Management District of Ramsey County, North Dakota, has constructed a 4-mile water diversion channel (Channel A) from Dry Lake to Devils Lake near Devils Lake, North Dakota. The channel is complete except for a 200-foot "plug" at the upper (Dry Lake) end of the channel. Removal of the plug requires authorization from the St. Paul District, Corps of Engineers. The purpose of the project is to alleviate sheetwater flooding of cropland in the Starkweather watershed of Devils Lake. In addition to authorization of the proposed action, the following reasonable alternatives have been identified to date:

1. No action , i.e., not completing Channel A either through denial of authorization or abandonment by the project sponsors.

2. Wetlands restoration, i.e., restoring wetlands in the watershed to increase flood storage capacity.

3. Land treatment, i.e., implementation of on-farm measures to reduce runoff rates.

4. Authorization of Channel A with conditions to implement land treatment and wetlands restoration.

5. Authorization of Channel A with conditions to prohibit further channelization and wetland drainage.

6. Authorization of Channel A with the U.S. Fish and Wildlife Service purchasing or obtaining easements on the remaining wetlands in the Starkweather and/or Edmore Watersheds currently not under their management or control to prevent their drainage.

7. Various combinations of the above alternatives.

The scoping process for the DEIS will be initiated by a letter to all affected Federal, State, and local agencies, affected Indian tribes, and those private organizations and parties who have expressed to us an interest in the project. Anyone else who has an interest in participating in the scoping process and the development of the DEIS is invited to do so and should contact the St. Paul District, Corps of Engineers, as soon as possible.

Significant issues identified to date include:

1. The flooding problems affecting area farmers and their farming operations.

2. The effects of cropland flooding on the local economy.

3. The potential for Channel A to facilitate additional wetland drainage in the Starkweather and Edmore watersheds by providing an outlet for future drainage projects.

4. The importance of the wetlands in the Devils Lake area and the ecological effects of a continuing drainage problem.

5. The potential hydrologic and water quality effects of the project on Devils Lake.

6. The effects of the project on a series of shallow waterfowl lakes to the west of Dry Lake.

7. The current controversy that exists in the area between agricultural and wildlife interests.

8 The relationship between existing farm subsidy programs in the area and a project designed to increase crop yields.

Our review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), Corps of Engineers regulatory regulations (33 CFR Parts 320–329), and all other applicable Corps of Engineers regulations and guidance.

We hope to accomplish the scoping task by letter. Because of the considerable public interest in the project and the geographical distances between interested parties, we feel that this approach is the most practical and efficient. If there still is sufficient interest to indicate the need to hold a scoping meeting at the culmination of the scoping process, we will do so, after announcing the meeting to all parties who have expressed an interest in the project.

We estimate that the DEIS will be made available to the public by August 1, 1979.

Questions concerning the proposed action and DEIS can be directed to: Colonel Forrest T. Gay, III, District Engineer, St. Paul District, Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minnesota 55101.

Dated: March 27, 1979.

Walter, T. Heme,

Forrest T. Gay, III,

Colonel, Corps of Engineers, District Engineer, St. Paul District.

[FR Doc. 79-10133 Filed 4-2-79; 8:45 am]

BILLING CODE 3710-CY-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 3 May 1979, at 201 Varick Street, 9th Floor, New York, NY 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

March 29, 1979.

H. E. Lofdahl.

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79-10074 Filed 4-2-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Energy Supply and Environmental Coordination Act; Intention to Rescind a Prohibition Order

The Department of energy (DOE) [1] hereby gives notice that, acting under the authority granted to it in Section 2(f) of the energy Supply and Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and implemented by 10 CFR 303.130(b), it intends to rescind the Prohibition Orders issued on June 30, 1977, to the powerplants named below. This action is taken in accordance with the provisions of 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders") of the ESECA regulations

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Docket No.	Owner	Generating station	Powerplant	Location
OFU-092	Northeast Utilities	Middletown	1	Middletown, Conn.
OFU-093	do	do	2	Do.
OFU-094	do	do	3	Do.

The Prohibition Orders, if made effective by the issuance of a Notice of Effectiveness (NOE), would have prohibited these powerplants from burning natural gas or petroleum products as their primary energy source.

By letter of November 9, 1978, the Environmental Protection Agency (EPA), Region 1, advised DOE, pursuant to Section 112(b)(1) of the Clean Air Act Amendments of 1977 (Pub. L. 95-95), that it is unable to certify a schedule for conversion of Middletown 1, 2, and 3 to the burning of coal as a primary energy source in accordance with the provisions of the outstanding orders. Accordingly, as the outstanding Prohibition Orders cannot be made effective without EPA certification as required by 10 CFR 303.37(b)(1), DOE hereby proposes to rescind such orders.

Comment on DOE's intention to rescind the Prohibition Orders is invited. Interested persons may submit written data, views or arguments with respect to the proposed action to the Office of Public Hearing Management, Room 2313, 2000 M Street, NW., Washington, D.C. 20461 (Attn: D. Kidwell). All comments and other documents should be identified both on the outside of the envelope and on the document itself with the designation, "Proposed Rescission of Northeast Utilities, Middletown Generating Station, Middletown, Connecticut Powerplants 1, 2, and 3 Prohibition Orders (OFU-092 & 093 & 094)." All written comments must be received no later than ten (10) days after the date of publication in order to receive consideration. In making its decision regarding the proposed rescission action, DOE will consider all relevant information submitted to it or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 CFR 303.9(f). DOE reserves the right to determine the confidential status of the information and to treat it in accordance with that determination.

Questions regarding this proposed action should be directed to DOE as follows: R. James Caverly, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, Room 2104, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 632-5140). Written questions should be identified on the envelope and in the correspondence with the designation set out above.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95-70 and Pub. L. 95-620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95-70 and Pub. L. 95-91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*), E.O. 11790 (939 FR 23185); E.O. 12009 (42 FR 46267).

Issued in Washington, D.C. March 28, 1979.

Barton R. House,

Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-10127 Filed 4-2-79 8:45 am]

BILLING CODE 6450-01-M

Energy Supply and Environmental Coordination Act; Intention To Rescind a Prohibition Order

The Department of Energy (DOE [1] hereby gives notice that, acting under the authority granted to it in section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and implemented by 10 CFR 303.130(b), it intends to rescind the Prohibition Orders issued on June 30, 1977, to the powerplants named below. This action is taken in accordance with the provisions of 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders") of the ESECA regulations.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

Docket No.	Owner	Generating station	Power plant	Location
OFU-095	Northeast Utilities	Norwalk Harbor	1	Norwalk, Conn.
OFU-096	do	do	2	Do.

The Prohibition Orders, if made effective by the issuance of a Notice of Effectiveness (NOE), would have prohibited these powerplants from burning natural gas or petroleum products as their primary energy source.

By letter of November 9, 1978, the Environmental Protection Agency (EPA), Region 1, advised DOE, pursuant to Section 112(b)(1) of the Clean Air Act Amendments of 1977 (Pub. L. 95–95), that it is unable to certify a schedule for conversion of Norwalk Harbor 1 and 2 to the burning of coal as a primary energy source in accordance with the provisions of the outstanding orders. Accordingly, as the outstanding Prohibition Orders cannot be made effective without EPA certification as required by 10 CFR 303.37(b)(1), DOE hereby proposes to rescind such orders.

Comment on DOE's intention to rescind the Prohibition Orders is invited. Interested persons may submit written data, views or arguments with respect to the proposed action to the Office of Public Hearing Management, Room 2313, 2000 M Street, NW., Washington, D.C. 20461 (Attn: D. Kidwell). All comments and other documents should be identified both on the outside of the envelope and on the document itself with the designation, "Proposed Rescission of Norwalk Harbor Generating Station Powerplants 1 and 2 Prohibition Orders (OFU–095, 096)." All written comments must be received no later than ten (10) days after the date of publication in order to receive consideration. In making its decision regarding the proposed rescission action, DOE will consider all relevant information submitted to it or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 C.F.R. 303.9(f). DOE reserves the right to determine the confidential status of the information and to treat it in accordance with that determination.

Questions regarding this proposed action should be directed to DOE as follows: R. James Caverly, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, Room 2104, 2000 M Street, NW., Washington, D.C. 20461 (telephone: (202) 632–5140). Written questions should be identified on the envelope and in the correspondence with the designation set out above.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 F.R. 23185); E.O. 12009 (42 F.R. 46267).

Issued in Washington, D.C. March 29, 1979.

Barton R. House,

Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79–10125 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

Energy Supply and Environmental Coordination Act, Intention To Rescind a Prohibition Order

The Department of Energy (DOE) [1] hereby gives notice that, acting under the authority granted to it in section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and implemented by 10 CFR 303.130(b), it intends to rescind the Prohibition Orders issued on June 30, 1975, to the powerplants named below. This action is taken in accordance with the provisions of 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders") of the ESECA regulations.

Docket No.	Owner	Generating station	Powerplant	Location
OCU–050	Public Service Co. of New Hampshire.	Schiller	4	Portsmouth, N.H.
OCU–051	do	do	5	Do.

The Prohibition Orders, if made effective by the issuance of a Notice of Effectiveness (NOE), would have prohibited these powerplants from burning natural gas or petroleum products as their primary energy source.

Pursuant to the provisions of the Clean Air Act Amendments of 1977, (Pub. L. 95–95), which requires written concurrence of the Governor of the State in which a subject facility is located, the Environmental Protection Agency (EPA), Region I, Boston, Massachusetts, requested on April 21, 1978, that New Hampshire Governor Meldrim Thomson concur with in its certification to DOE that the outstanding Prohibition Orders to Schiller 4 and 5 could take effect. On December 8, 1978, Governor Thomson refused concurrence citing technical and economic problems involved with the conversion of Schiller 4 and 5 to coal as their primary energy source EPA accordingly, advised DOE by letter of February 6, 1979, that it could not certify a schedule for conversion of the powerplants. As the outstanding Prohibition Orders cannot therefore be made effective in the absence of EPA certification as required by 10 CFR 303.37(b)(1) DOE proposes to rescind the orders.

Comment on DOE's intention to rescind the Prohibition Orders is invited. Interested persons may submit written data, views or arguments with the respect to the proposed action to the Office of Public Hearing Management, Room 2313, 2000 M Street NW., Washington, D.C. 20461. (Attn: D. Kidwell). All comments and other documents should be identified both on the outside of the envelope and on the document itself with the designation, "Proposed Rescission of Schiller Generating Station, Powerplants 4 and 5 Prohibition Orders (OCU–050–051)". All written comments must be received no later than ten (10) days after the date of publication in order to recieve consideration. In making its decision regarding the proposed rescission action, DOE will consider all relevant information submitted to it or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 CFR 303.9(f). DOE reserves the right to determine the confidential status of the information and to treat it in accordance with that determination.

Questions regarding this proposed action should be directed to DOE as follows: R. James Caverly, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, Room 2104, 2000 M Street NW., Washington, D.C. 20461 (telephone: (202) 632–5140). Written questions should be identified on the envelope and in the correspondence with the designation set out above.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–620; Federal Energy Administration Act of 1974 (14 U.S.C. 761 *et seq.*) as amended by Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organizational Act (42 U.S.C. 7101 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., March 28, 1979.

Barton R. House,

Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 23, 1979.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on March 12, 1979, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, 5th Revised Sheet No. 29–E and 3rd Revised Sheet No. 29–F.

Algonquin Gas states that it is issuing the above tariff sheets to reflect a change in its rates under Rate Schedule S–T to track changes in Texas Eastern Transmission Corporation's ("Texas Eastern") Rate Schedule ISS under its Substitute Forty-seventh Revised Sheet No. 14. This tracking filing is made pursuant to the authorization granted in Paragraph (A) of the Commission's order issued April 4, 1978, in Docket No. CP77–337.

Algonquin Gas requests that the Commission waive any rules necessary to allow the above-mentioned tariff sheets to become effective March 1, 1979, to coincide with the proposed effective date of Texas Eastern's ISS rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[Docket No. CP77–337]

[FR Doc. 79–10170 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

[6450–01—]

Algonquin LNG, Inc. and Algonquin Gas Transmission Co.; Extension of Time

March 20, 1979.

On March 8, 1979, the Applicants in this proceeding filed a motion for further extension of the procedural schedule in this proceeding set by the Commission's order of October 13, 1978, as modified by the notice of November 15, 1978. The motion states that the extension is requested in order to allow the parties time to review the U.S. Department of Transportation-sponsored risk analysis of LNG trucking related to the Distrigas of Massachusetts Corporation system, prior to preparation of their evidence. The Applicants also state that the intervenors and Staff Counsel concur in the motion.

Upon consideration, notice is hereby given that the following schedule is established:

Direct case of applicants and supporting intervenors—April 30, 1979.

Case-in-chief of Staff and opposing intervenors—May 21, 1979.

Rebuttal testimony of applicants and supporting intervenors—June 11, 1979.

Prehearing conference—June 19, 1979, 10 a.m.

Kenneth F. Plumb,

Secretary.

[Docket No. CP78–256]

[FR Doc. 79–10171 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

Amerada Hess Corp.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

March 27, 1979

On March 20, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

North Dakota Geological Survey

FERC Control Number: JD79–916.
API Well Number: 33–105–00778.
Section of NGPA: 103.
Operator: Amerada Hess Corporation.
Well Name: State E 32–16.
Field: Hofflund Deep.
County: Williams.
Purchaser: Montana Dakota Utilities Company.
Volume: 260 MMcf.

FERC Control Number: JD79–917.
API Well Number: 23–105–00765.
Section of NGPA: 103.
Operator: Amerada Hess Corporation.
Well Name: Marvin Iverson 23–18 No. 1.
Field: Capa.
County: Williams.
Purchaser: Montana Dakota Utilities Company.
Volume: Completing.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–10148 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

Arizona Public Service Co.; Extension of Time

March 22, 1979.

On March 14, 1979, the Customer Intervenors, Arizona Public Service Company, and Staff filed a motion for extension of time to file briefs opposing exceptions to the initial decision issued in this proceeding on December 19, 1978. The motion states that it is made by all parties and that the parties are still in the process of finalizing a settlement in Docket No. ER78–145 which may result in mooting or limiting certain issues in this proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 11, 1979,

for the filing of briefs opposing exceptions.

Kenneth F. Plumb,
Secretary.

[Docket No. ER77-521]

[FR Doc. 79-10173 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

Arizona Public Service Co.; Filing

March 27, 1979.

Take notice that on March 16, 1979, Arizona Public Service Company (APS) tendered for filing Service Schedule M dated February 15, 1979 to the Power Coordination Agreement between Salt River Project Agricultural Improvement and Power District (SRP) and APS for operation of APS' Series Capacitors in the Pinnacle Peak to Cholla 345 kV lines and Cholla to Fourt Corners 345 kV lines in a manner which would reduce the exposure of SRP's Coronado generating units to Subsynchronous Resonance.

APS has been requested by SRP to request waiver of the Commission's Regulations to permit an effective date of May 1, 1979 for this Service Schedule as said date is the presently scheduled start-up date for Unit 1 of the SRP Coronado Project.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER 79-256]

[FR Doc. 79-10175 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

Arizona Public Service Co.; Filing of Revision to Agreement

March 27, 1979.

Take notice that on March 16, 1979, Arizona Public Service Company (APS) tendered for filing revised Exhibit "B" dated January 16, 1979 to the wholesale power agreement between Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk) and Arizona Public Service Company (APS) respectively, previously designated APS-FPC Rate Schedule No. 58. This revision of Exhibit "B" of the Agreement revises the maximum and minimum contract demands.

APS indicates that the effective date of this revision is intended to be upon acceptance by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER 79-255]

[FR Doc. 79-10174 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

Arkansas Louisiana Gas Co.; Findings and Order After Statutory Hearing Permitting and Approving Abandonment

March 27, 1979.

On November 13, 1978, Arkansas Louisiana Gas Company (Arkla) [1] filed in Docket No. CP79-74 an application pursuant to Section 7(b) of the Natural Gas Act for permission for an approval of the abandonment of approximately ten miles of 14-inch pipeline in Wheeler County, Texas, all as more fully set forth in the application.

The pipeline proposed to be abandoned was constructed in 1928 and functioned as a transmission line with gas supply coming from the Texas Panhandle Field until 1963. When the Texas Panhandle Field was depleted, Arkla acquired new supplies of gas in central Oklahoma. In 1964 Arkla sold its Texas Main Line Compressor Station as well as part of its pipeline. Although there was no practical or economical use for the remaining segment of line at that time, it was retained by Arkla for any possible future gas supply development in the area.

Testing and upgrading the subject pipeline to operate as a transmission pipeline, in the event new supply is developed, is no longer considered economically feasible. The pipeline would have to be repaired and it would have to be reditched and lowered to meet current safety requirements. Currently, the pipeline is blocked off due to leaks and there is no gas remaining in the line. There are no customers currently being served by the pipeline.

The facilities proposed to be abandoned are used for the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the abandonment thereof is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

After due notice by publication in the **Federal Register** on December 11, 1978 (43 FR 57944), no notice of intervention, protest to the granting of the application, or petition to intervene has been filed.

At a hearing held on March 21, 1979, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

The abandonment proposed by Arkla is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

The Commission orders:

(A) Upon the terms and conditions of this order, permission for and approval of the abandonment by Arkla of the facilities hereinbefore described, all as more fully described in the application in this proceeding, are granted.

(B) Arkla shall advise the Commission of the date of abandonment within 10 days thereof.

By the Commission.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79-74]

[FR Doc. 79-10172 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

[1] Arkla, a Delaware corporation having its principal place of business in Shreveport, Louisiana, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order issued January 26, 1943, in Docket No. G-252 (3 FPC 910).

Association of Oil Pipelines, et al.; Order Extending Time for the Filing of Comments or Protests

March 26, 1979.

The Association of Oil Pipelines and many of its members ask for a declaratory order. Notice of their filing was published on March 6, 1979. That

notice summarized the nature of the relief sought. It also stated that "comments or protests should be filed on or before March 27, 1979".

Pointing to the significance of the questions presented, the Commission's staff now moves for an extension of time to April 10, 1979. That request appears reasonable. And no one opposes it.

Accordingly, the Commission orders that the due date for comments or protests herein by the Commission's staff or by others be, and it hereby is, extended up to and including April 10, 1979.

By the Commission.

Kenneth F. Plumb,
Secretary.

[Docket No. OR79-5]

[FR Doc. 79-10176 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Broad River Electric Cooperative, Inc.; Application for Preliminary Permit

March 26, 1979.

Take notice that on October 24, 1978, the Broad River Electric Cooperative, Inc. ("BREC"), filed an application (Pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r) (1976)) for a preliminary permit for a proposed hydroelectric power project, to be known as the Broad River Project (FERC Project No. 2880). The proposed project would be located on the Broad River in Cherokee County, South Carolina. Correspondence with BREC should be directed to Mr. Robert C. Carroll, P.E., General Manager, Broad River Electric Cooperative, Inc. P.O. Box 290, Gaffney, South Carolina 29340.

Purpose of Project—BREC would sell all power generated at the project to BREC's retail consumers.

Proposed Scope and Cost of Studies Under Permit—BREC seeks issuance of a preliminary permit for a period of 24 months, during which time it proposes to develop preliminary and final designs, conduct geological explorations and field surveys, and collect environmental data. BREC estimates that the proposed studies would cost $350,000.

Project Description—The Broad River Project would consist of: (1) the existing 2,005-foot-long, 15-foot-high concrete stream diversion dam (the dam—producing an effective head of 18 feet—and associated flood gates and flow control structures would be repaired); (2) a powerhouse, to be constructed, housing two tube type turbine generating units with a total installed capacity of 3,900 kW; (3) the Broad River Reservoir with a surface area of approximately 35 acre-feet at a normal high water elevation of 543 msl; and (4) appurtenant facilities. The estimated average annual output of the proposed project would be 23,650 MHW. The Broad River supplies cooling water to Cherokee Nuclear Station, which is under construction. BREC now holds an option to purchase the proposed project site with improvements from the present owner.

Purpose of Preliminary Permit—A preliminary permit does not authorize any construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, state, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on BREC's application. A copy of the application may be obtained directly from BREC.

Comments should be confined to substantive issues relevant to the issuance of a preliminary permit and should be consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made.

If any agency does not file comments within the time specified below, it will be presumed to have no comments.

Protests, Petitions to Intervene, and Agency Comments—Anyone desiring to be heard or to make any protests about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission ("Commission") in accordance with the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR 1.10 or 1.8 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before May 29, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[Project No. 2880]

[FR Doc. 79-10177 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Colorado Interstate Gas Co.; Order Accepting For Filing and Suspending Proposed Revised Tariff Sheets Subject to Conditions and Granting Waiver

Issued: March 23, 1979.

On February 21, 1979, Colorado Interstate Gas Company (CIG) filed revised tariff sheets [1] reflecting adjustments to three rate proceedings currently pending resolution before this Commission.[2] Second Revised Sheet Nos. 7 and 8, proposed to be effective March 1, 1979, reflect a rate reduction in Docket No. RP78–51 of .76¢ per Mcf and a rate increase in Docket No. RP72–122 (PGA78–3) of .35¢ per Mcf. The rates in Docket Nos. RP78–51 and RP72–122 (PGA78–3), effective October 1 and October 2, 1978, respectively, are currently being collected subject to refund. The proposed adjustments would result in an annualized jurisdictional reduction in revenues collected subject to refund of approximately $1.3 million. Third Revised Sheet Nos. 7 and 8 proposed to be effective April 1, 1979, reflect a rate increase of .07¢ per Mcf to rates proposed in Docket No. RP79–1. The rates in this docket are currently under suspension until April 1, 1979, when they will be collected subject to refund. The proposed adjustment would result in an annual jurisdictional revenue increase of approximately $220,000.

Public notice of CIG's filing was issued on March 5, 1979. Colorado Public Utilities Commission, Public Service Company of Colorado, Western Slope Gas Company, and Cheyenne Light, Fuel and Power Company submitted comments in which they claimed that they are unable to determine whether the filing is in compliance with the Natural Gas Policy Act and the Rules and Regulations of the Commission. Therefore, they have requested that the Commission suspend the tariff sheets submitted in the instant filing and consolidate the proceeding

[1] Second Revised Sheet Nos. 7 and 8 to Original Volume No. 1 and Third Revised Sheet Nos. 7 and 8 to Original Volume No. 1 of CIG's FERC Gas Tariff.

[2] The affected proceedings include Docket Nos. RP72–122 (PGA78–3), RP78–51 and RP79–1. The latter two proceedings were consolidated by an order issued October 27, 1978, in those dockets.

with the pending proceedings in Docket Nos. RP72–122 (PGA78–3), RP78–51 and RP79–1.

The revised tariff sheets filed by CIG contain rates which are designed to reflect the termination of the Gas Search Program approved by the Federal Power Commission's order of January 7, 1974, in Docket Nos. CP73–184 and CI73–485. Under this order, CIG was permitted to transfer to CIG Exploration, Inc. (Exploration) certain gas producing properties. The Commission's authorization was also given for Exploration to sell the gas from the producing properties to CIG, and for CIG to flow-through such costs at area or nationwide rate levels (up to a base ceiling of 25¢ per Mcf) in conjunction with a revolving Gas Search Program. Under the provisions approved by the subject January 7, 1974, Order, the Gas Search Program was scheduled to terminate on February 28, 1979. A joint Petition by CIG and Exploration to extend the program was denied by the Commission in an order dated December 28, 1978, in Docket Nos. CP73–184 and CI73–485.

Termination of the Gas Search Program requires recomputations of the cost of gas underlying CIG's existing resale rates. CIG states that the revised tariff sheets reflect the repricing of gas produced from old wells under old leases [3] on a cost-of-service basis rather than on an area rate basis. The company also states that gas produced from new wells [4] under old leases has been repriced to reflect NGPA rates rather than area rates. The proposed tariff sheets would supersede tariff sheets presently filed in Docket Nos. RP78–51, RP72–122 (PGA78–3), and RP79–1, and, therefore, any final acceptance should be subject to the outcome of these proceedings.

In addition, CIG and Exploration have filed joint certificate applications in Docket Nos. CP73–184 and CI73–485 requesting authorization to transfer to CIG the gas producing leases originally transferred to Exploration. CIG has also requested authorization to acquire the associated gas reserves, wells, and related production facilities. The Commission shall not take any action with respect to the certificate applications in this order. However, since the disposition of the certificate applications may have rate implications, acceptance of the revised tariff sheets should also be subject to the outcome of any proceedings established in Docket Nos. CP73–184 and CI73–485.

Based upon a review of CIG's filing, this Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust and unreasonable, unduly discriminatory or otherwise unlawful. The filing raises issues concerning: (a) the volumes attributed to production from all wells under the old leases, (b) the claimed cost of service for production from the old wells on old leases, and (c) the asserted maximum lawful prices under the NGPA for production from the new wells under old leases. These issues should be resolved in the affected proceedings in Docket Nos. RP78–51 and RP79–1. Accordingly, the Commission shall grant waiver of the 30 day notice requirement and shall accept for filing Second Revised Sheet Nos. 7 and 8 and suspend these rates so that they shall become effective as of March 1, 1979, subject to refund. The Commission shall accept for filing Third Revised Sheet Nos. 7 and 8 and suspend these rates until April 1, 1979, when they shall become effective subject to refund. The issues raised by these four tariff sheets shall be resolved in the consolidated proceedings in Docket Nos. RP78–51 and RP79–1. Both filings shall also be subject to the final disposition of any proceedings in Docket Nos. CP73–184 and CI73–485. In addition, the rates reflected in Second Revised Sheet Nos. 7 and 8 shall be subject to the outcome of the proceedings in Docket No. RP72–122 (PGA78–3). With respect to these filings, the Commission shall also grant waiver of §§ 154.66 and 154.38(d)(4)(iv)(*a*) of the Commission's Rules and Regulations and Section 21 of CIG's FERC Gas Tariff, Original Volume No. 1.

The Commission orders:

(A) CIG's proposed Second Revised Sheet Nos. 7 and 8 to Original Volume No. 1 of CIG's FERC Gas Tariff are accepted for filing, suspended and waiver of notice requirements is granted such that the filing shall become effective on March 1, 1979, subject to refund.

(B) CIG's proposed Third Revised Sheet Nos. 7 and 8 to Original Volume No. 1 of CIG's FERC Gas Tariff are accepted for filing and suspended until April 1, 1979, when they shall become effective subject to refund.

(C) The issues raised by Second Revised Sheet Nos. 7 and 8 and Third Revised Sheet Nos. 7 and 8 shall be resolved in the consolidated proceedings in Docket Nos. RP78–51 and RP79–1 and shall be subject to the ultimate disposition of the certificate proposals in Docket Nos. CP73–184 and CI73–485.

(D) The rates reflected in Second Revised Sheet Nos. 7 and 8 shall also be subject to the final disposition of the proceedings in Docket No. RP72–122 (PGA78–3).

(E) Waiver of §§ 154.66 and 154.38(d)(4)(iv)(*a*) of the Commission's Rules and Regulations and Section 21 of CIG's FERC Gas Tariff, Original Volume No. 1 is granted to the extent required by Ordering Paragraphs (A) and (B) above.

By the Commission.

Kenneth F. Plumb,
Secretary.

[Docket Nos. RP72–122 (PGA 78–3), RP78–51, and RP79–1]

[FR Doc. 79–10178 Filed 4–3–79; 8:45 am]

BILLING CODE 6450–01–M

[3] "Old leases" are leases owned by a pipeline or its affiliate acquired prior to October 7, 1969. "Old wells" are wells commenced prior to January 1, 1973.

[4] "New wells" are wells commenced on or after January 1, 1973.

Columbia Gas Transmission Corp.; Application

March 26, 1979.

Take notice that on March 13, 1979, Columbia Gas Transmisison Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP79–217 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and continued operation of certain natural gas facilities, as are more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia proposes to acquire natural gas facilities which are currently being leased from The Sixty Trust pursuant to Commission authorization issued October 16, 1956 in Docket No. G–9444, *et al.* and to continue certain of these facilities in operation. It is stated that the primary term of the lease of these facilities ended on November 30, 1974. Columbia states that at that time it and Rhode Island Hospital Trust National Bank, as sole Trustee of The Sixty Trust, agreed to one five-year renewal of the lease expiring on November 30, 1979. It is stated that in lieu of a second five-year renewal of the lease at a total cost of $875,000, it was agreed that on November 30, 1979, Columbia would pay and Trustee would accept the cash sum of $225,000 as payment in full for the conveyance and transfer of the facilities. Columbia proposes to purchase the facilities which, except for the relocated compressor units, are located in McKean, Cameron and Clinton Counties, Pennsylvania from The Sixty Trust as listed hereinafter.

(1) Approximately 113 miles of 4-, 6-, 8- and 10-inch pipeline, which mileage is composed of approximately:

53.8 miles of 6-inch pipelines (described as Pipe Line No. 1, but hereinafter referred to as Line 1863);

58.7 miles of 6-, 8-, and 10-inch pipelines (described as Pipe Line Nos. 2, 3, and 4, but hereinafter referred to as Line 1862);

0.3 mile of 6- and 8-inch pipeline (described as Crossover Pipeline, a. Gathering Line No. 5, but hereinafter referred to as Line 1864); and

0.1 mile of 4- and 6-inch pipeline (described as Crossover Pipeline, b. Gathering Line No. 6, but hereinafter referred to as Line 1873).

(2) Emporium Compressor Station consisting of 900 horsepower and appurtenances.

(3) Three 225 horsepower Clark Model MA–6 compressor units.

Columbia was authorized to install and operate these units at any location on its system. These units are presently installed at Columbia's Adamsville, McClellandtown and Kent Compressor Stations, pursuant to certificate authorization in Docket Nos. CP76–183, G–18157 and CP74–129, respectively.

(4) All other properties enumerated in Schedule A, as modified of the lease.

Columbia states that the terms of the original lease require that Columbia assume full responsibility for the operation, maintenance and all other expenses associated with the leased facilities. Additionally, Columbia states any improvements become the property of The Sixty Trust and are included in the facilities to be acquired hereunder. Thus, the cost of the capital improvements that have been made to this leased property would be retired inasmuch as these costs are included in the total purchase price which Columbia would pay for the facilities to be acquired, states Columbia.

Columbia indicates that in the past, Line 1862 has had adequate transmission capacity to meet Columbia's requirements in this portion of its system and the operation of parallel Line 1863 has not been required. Therefore, the expenditures which would have been required to operate Line 1863 are not justifiable, it is stated, and Columbia proposes to retire Line 1863 and utilize it as a ground bed for cathodic protection of Line 1862. Columbia asserts that with the retirement of Line 1863, crossover Lines 1864 and 1873 would no longer be necessary and Columbia proposes to retire these lines as well.

It is stated that the proposed acquisition would not affect the service which is presently being provided by such facilities and that the acquisition is in the public interest in that the purchase price of $225,000 is less than the lease payments that would have been required during the second five-year renewal period.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79–217]

[FR Doc. 79–10179 Filed 4–3–79; 8:45 am]

BILLING CODE 6450–01–M

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 26, 1979.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 15, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Substitute Forty-ninth Revised Sheet No. 16.
Substitute Twenty-third Revised Sheet No. 64A.

Columbia states that the foregoing tariff sheets are being filed in compliance with ordering paragraph (B) of the Commission Order issued February 28, 1979, directing Columbia to (i) delete all costs which Columbia's producer and pipeline suppliers were not authorized to collect on or before March 1, 1979, and (ii) eliminate all costs associated with a storage service provided by Consolidated Gas Supply Corporation and the coincidental transportation provided by Texas Eastern Corporation in Docket No. CP78–506.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. RP73–65 (PGA 79–1) (AP79–1)]

[FR Doc. 79–10180 Filed 4–2–79 8:45 am]

BILLING CODE 6450–01–M

Columbia Gas Transmission Corp., et al.; Filing of Revised Tariff Sheets

March 23, 1979.

In the matter of Columbia Gas Transmission Corp. (Docket No. RP79–42); Consolidated Gas Supply Corp. (Docket No. RP79–47);

Florida Gas Transmission Co. (Docket No. RP79–35);

Michigan Wisconsin Pipeline Co. (Docket No. RP79–43);

Panhandle Eastern Pipe Line Co. (Docket No. RP79–34);

Southern Natural Gas Co. (Docket No. RP79–48);

Texas Eastern Transmission Corp. (Docket No. RP79–40);

Texas Gas Transmission Corp. (Docket No. RP79–31); and

Trunkline Gas Co. (Docket No. RP79–33).

Pursuant to the Federal Energy Regulatory Commission's (Commission) Order Nos. 10 and 10-A, Trunkline Gas Company, Panhandle Eastern Pipe Line Company, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, Florida Gas Transmission Company, Michigan Wisconsin Pipe Line Company, Southern Natural Gas Company, Texas Eastern Transmission Corporation, and Texas Gas Transmission Corporation filed proposed tariffs providing for the tracking and deferred accounting of the Louisiana First Use Tax.[1] On March 2, 1979 the Commission issued Order No. 10-B which amended Order Nos. 10 and 10-A. Order No. 10-B allows pipelines to select either an escrow procedure (as established in Order Nos. 10 and 10-A) or a corporate undertaking procedure for recovery of the Louisiana First Use Tax. The above mentioned pipelines have submitted revisions to their original filings in order to comply with Order No. 10-B.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. RP79–42, et al.]

[FR Doc. 79–10181 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

Connecticut Light and Power Co., Purchase Agreement

March 26, 1979.

Take notice that on March 16, 1979, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units dated September 1, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO), and (2) Village of Lyndonville Electric Department (Lyndonville).

CL&P states that the Purchase Agreement provides for a sale to Lyndonville of a specified percentage of capacity and energy from twelve gas turbine generating units during the period from May 1, 1979 to October 31, 1985, together with related transmission service.

CL&P requests that the Commission, pursuant to Section 35.11 of its regulations, permit the rate schedule filed to become effective on May 1, 1979.

CL&P states that the capacity charge for the proposed service was developed on a cost-of-service basis, the monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and uniform rules adopted by the NEPOOL Execitive Committee, multiplied by the number of kilowatts of winter capability which Lyndonville is entitled to receive, reduced to give due recognition of the payments made by Lyndonville for transmission services on intervening systems, and the variable maintenance charges were derived from historical costs.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts, and Lyndonville, Lyndonville, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the procedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79–25]

[FR Doc. 79–10182 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

Grace Petroleum Corp.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

March 26, 1979.

On March 15, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Wyoming Oil and Gas Conservation Commission

FERC control number: JD79–838.
API well number: 4901349037.
Section of NGPA: 103.
Operator: Grace Petroleum Corporation.
Well name: U.P.R.R. #19–1.
Field: Six Mile Spring.
County: Sweetwater.
Purchaster: Mountain Fuel Supply Company.
Volume: 38.8 MMcf

FERC control number: JD79–839.
API well number: 4900921236.
Section of NGPA: 102.
Operator: Woods Petroleum Corporation.
Well name: Moore-Gibbs #9–1.
Field: Powell.
County: Converse.
Purchaser: Phillips Petroleum Company.
Volume: 365 MMcf

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–10153 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

[1] These tariff sheets were filed by the pipeline companies between February 28 and March 1, 1979 and have been previously noticed.

Hewitt B. Fox, Inc. and J. S. Abercrombie Mineral Company, Inc.; Petition for Special Relief

March 28, 1979.

Take notice that on February 22, 1979, Hewitt B. Fox, Inc. (Fox), 900 Guaranty Bank Plaza, Corpus Christi, Texas 78475 and J. S. Abercrombie Mineral Company, Inc. (Abercrombie), P.O. Box 27339, Houston, Texas 77027 filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 C.F.R. 2.76).

Fox and Abercrombie currently collect a base rate of $.35 per Mcf for the sale of their working interest shares of gas produced from the State Tract 128 Well No. 2, North Panther Reef Field, Calhoun County, Texas. According to the petition, the working interest shares of Fox and Abercrombie are 15% and 20.83%, respectively. Mobil Oil Corporation owns a 41.67 working interest which is not covered by this petition.

Petitioners propose to perform a workover on the well to permit recovery of additional reserves estimated at 162.1 MMcf. Accordingly, Fox and Abercrombie request an increased base rate of $1.00 per Mcf at 14.73 psig plus any applicable monthly escalators permitted by the Natural Gas Policy Act of 1978. All gas produced is and will be sold to Texas Eastern Transmission Corporation.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before April 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-10183 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Indiana & Michigan Electric Co.; Agreement

March 26, 1979.

Take notice that American Electric Power Service Corporation (AEP) on March 14, 1979, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company, Amendment No. 15 dated April 1, 1979 to the Operating Agreement dated March 1, 1966 among Indiana & Michigan Electric Company (Indiana Company), Consumers Power Company and The Detroit Edison Company (Michigan Companies), designated Indiana's Rate Schedule FERC No. 68.

AEP states that this Amendment No. 15 provides that, for the purpose of conserving energy resources during extended fuel shortages Indiana Company or Michigan Companies may arrange to obtain Conservation Energy from the other. When supplied, the charge for Conservation Energy generated on the supplying party's will be 110 percent of the out-of-pocket replacement cost of generating the energy, plus 5.00 mills per kilowatt-hour. AEP further states that the new Amendment No. 15 also provides for a transmission service charge of 1.7 mills per kilowatt-hour for deliveries of Conservation Energy from systems interconnected with Indiana Company or Michigan Companies.

Because the current uncertainty of fuel supplies and the possibility that transactions will be required immediately under the proposed Amendment No. 15, the parties have requested that the Commission waive its notice requirements and that the proposed Schedule become effective as soon as possible.

Copies of the filing were served upon Michigan Companies, Indiana Public Service Commission and Michigan Public Service Commission, according to AEP.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER 79-250]

[FR Doc. 79-10154 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Indiana & Michigan Electric Co.; Proposed Amendment

March 26, 1979.

Take notice that American Electric Power Service Corporation (AEP) on March 14, 1979, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company, Modification No. 1 dated February 27, 1979 to the Interconnection Agreement dated January 2, 1977 between Indiana & Michigan Electric Company and City of Richmond, Indiana, (RP&L), designated I&M's Rate Schedule FERC No. 70.

AEP indicates that this Modification No. 1 provides that, for the purpose of conserving energy resources during extended fuel shortages I&M or RP&L may arrange to obtain Conservation Energy from the other. When supplied, the charge for Conservation Energy generated on the supplying party's will be 110% of the out-of-pocket replacement cost of generating the energy, plus 5.00 mills per kilowatt-hour. The new Modification No. 1 also provides for a transmission service charge of 1.7 mills per kilowatt-hour for deliveries of Conservation Energy from systems interconnected with I&M or RP&L, according to AEP.

Because the current uncertainty of fuel supplies and the possibility that transactions will be required immediately under the proposed Modification No. 1, the parties have requested that the Commission waive its notice requirements and that the proposed schedule become effective as soon as possible.

Copies of the filing were served upon City of Richmond, Indiana Public Service Commission of Indiana and Michigan Public Service Commission, according to AEP.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be

taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER 79-247]

[FR Doc. 79-10184 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Indiana & Michigan Electric Co. and Illinois Power Co.; Filing

March 26, 1979.

Take notice that Indiana & Michigan Electric Company and Illinois Power Company (the Companies) have on March 13, 1979, tendered for filing a Notice of Termination of Supplement No. 6 to Indiana & Michigan Electric Company Rate Schedule FERC No. 23; and Supplement No. 5 to Illinois Power Company Rate Schedule FERC No. 9, Service Schedule H—Fuel Conservation Power and Energy.

According to the Companies the agreement between Indiana & Michigan Electric Company and Illinois Power Company does not provide for any service under the Schedule after December 31, 1974; therefore, the Companies have requested that the Commission make the Notice of Termination effective any time after that date as provided in 18 CFR 35.15.

The Schedules involved provide only for service between the two Companies who have jointly filed, according to the Companies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79-248]

[FR Doc. 79-10169 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Indiana & Michigan Electric Co. et al.; Filing

March 26, 1979.

Take notice that Indiana & Michigan Electric Company, Consumers Power Company and The Detroit Edison Company (the Companies), on March 16, 1979 tendered for filing a Notice of Termination of Supplement No. 4 to Indiana & Michigan Electric Company Rate Schedule FERC No. 68; Supplement No. 4 to Consumers Power Company Rate Schedule FERC No. 23; and Supplement No. 8 to The Detroit Edison Company Rate Schedule FERC No. 12, Schedule G—Fuel Conservation Power and Energy.

According to the Companies the agreement among them does not provide for any service under the Schedule after January 1, 1975. Therefore, the Companies have requested that the Commission make the Notice of Termination effective any time after that date as provided in 18 CFR 35.15.

The Schedules involved provide only for service among the three Companies who have jointly filed, according to the Companies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79-252]

[FR Doc. 79-10155 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Kansas Power and Light Co.; Certification

March 26, 1979.

Take notice that on March 2, 1979, the Presiding Administrative Law Judge, Thomas L. Howe, certified a proposed settlement agreement in Kansas Power and Light Company, Docket No. ER78-1.

On February 26, 1979, the Kansas Power & Light Company submitted a Stipulation and Agreement of Settlement. According to the Judge, no participant objects thereto.

The Judge indicates that this proposed settlement agreement would dispose of the remaining issues and terminate this proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 10, 1979. comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER78-1]

[FR Doc. 79-10156 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Kern County Refinery Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

March 23, 1979.

Take notice that Kern County Refinery Inc. on March 7, 1979 filed a Petition for Review under 42 U.S.C. 719(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before April 9, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection

at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[Docket No. RA79-20]

[FR Doc. 79-10157 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Lunday-Thagard Oil Co.; Extension of Time

March 26, 1979.

On March 15, 1979, the Secretary of Energy filed a motion for extension of time to file the administrative record and response to the petition for review in this proceeding. The motion states that additional time is required because of delayed receipt of the petition by Department of Energy counsel and the volume of material to be compiled. The motion further states that the petitioner has no objection to the request.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 4, 1979, for the filing of the record and response in the proceeding.

Kenneth F. Plumb,
Secretary.

[Docket No. RA 79-19]

[FR Doc. 79-10158 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Mid-Continent Area Power Pool Agreement; Compliance Filing

March 26, 1979.

Take notice that on March 6, 1979, the Mid-continent Area Power Pool (MAPP) Management Committee tendered a filing in purported compliance with Opinion Nos. 806 and 806-A in the above-captioned docket.

The MAPP Committee states that this submittal "is a result of negotiations conducted between the MAPP Management Committee and the Staff in accordance with the instructions of this Commission."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. E-7734]

[FR Doc. 79-10159 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Montana-Dakota Utilities Co.; Application

March 26, 1979.

Take notice, that on March 9, 1979, Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Bismarck North Dakota, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order for authority to issue up to $25,000,000 principal amount of First Mortgage Bonds, Series due May 15, 2004, and up to $10,000,000 principal amount of First Mortgage Sinking Fund Bonds due May 15, 1999.

The Bonds are to be issued under and pursuant to Applicant's presently existing Indenture of Mortgage, dated as of May 1, 1939, to Irving Trust Company and D. W. May, as Trustees, as supplemented and proposed to be supplemented by a (Thirty-Eight) Supplemental Indenture to be dated as of April 15, 1979. The Bonds are to bear interest at a rate to be determined by competitive bidding.

The principal purpose for which the Bonds are to be issued is to finance the Applicant's 1979 construction program including the repayment of short-term debt, which is being incurred in connection with the temporary financing of a portion of the cost of such program.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1979, 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 but 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. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ES 79-33]

[FR Doc. 79-10160 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Montana Power Co.; Compliance Filing

March 27, 1979.

Take notice that on March 20, 1979, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during February 1979, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 925 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER76-848]

[FR Doc. 79-10161 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M]

Northern Natural Gas Co.; Application

March 26, 1979.

Take notice that on March 5, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-201 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for permission and approval to abandon certain other facilities by sale to Minnesota Gas Company (Minnegasco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that it operates certain pipeline and town border station facilities in areas immediately south of Minneapolis, and that where possible, it desires to minimize the operation of

such facilities in populated areas. Specifically Applicant proposes:

(1) to construct and operate a new town border station on Applicant's existing 16-inch "B" line in Dakota County, Minnesota; install new measuring facilities at Applicant's existing Portland Avenue Station; and effect certain piping modifications at the existing Cedar Avenue Station.

(2) to abandon by sale and transfer to Minnegasco 19 town border stations which presently serve Minnegasco and approximately 56 miles of pipeline.

The total cost of the facilities proposed to be constructed is $529,130 which cost Applicant would finance out of cash on hand and funds generated from operations.

Applicant indicates that included in the facilities to be sold and transferred to Minnegasco by Applicant are numerous small volume sales measuring stations presently utilized to deliver natural gas volumes to Peoples Natural Gas Division (Peoples Division) for distribution to small volume domestic tap customers in south Minneapolis. Upon the transfer of properties as proposed herein, Minnegasco would provide service to such customers from its distribution system, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79-201]

[FR Doc. 79-10163 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

Northern Natural Gas Co.; Certification of Stipulation and Agreement

March 23, 1979.

Take notice that on March 12, 1979, the Presiding Administrative Law Judge certified to the Commission a proposed stipulation and agreement in Docket No. RP78-56. This agreement proposes to resolve all issues in the captioned docket, except for one rate design issue which has been reserved for hearing.

Any person desiring to be heard or to protest the certified stipulation and agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Initial comments will be filed with the Commission on or before April 2, 1979, and reply comments will be filed on or before April 13, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. RP78-56]

[FR Doc. 79-10164 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

Northern Natural Gas Co.; Proposed Addition to FERC Gas Tariff

March 26, 1979.

Take notice that Northern Natural Gas Company (northern), on March 15, 1979, in compliance with Commission Order No. 10-B issued in the above proceeding, submitted for filing amended tariff sheets incorporating a provision for the tracking of the Louisiana First Use Tax payments, in its F.E.R.C. Gas Tariff, Volume No. 1 and Volume No. 2. Northern also proposes a rate adjustment of 1.32¢ per Mcf in the commodity rate effective April 1, 1979 to recover the cost of such Tax.

The Tariff Sheets are:

Third Revised Volume No. 1

Substitute Original Sheet No. 74b and Original Sheet No. 74c, Eighteenth Revised Sheet No. 4a.

Original Volume No. 2

Substitute Original Sheet No. 1o, Eighteenth Revised Sheet No. 1c.

Northern states that copies of its filing were served on all jurisdictional customers and affeted State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1979. Protests will be considerd by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. RP79-41]

[FR Doc. 79-10165 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

Northern States Power Co.; Compliance Filing

March 27, 1979.

Take notice that Northern States Power Company (Minnesota) on March 5, 1979 tendered for filing pursuant to the Commission's Order Approving Settlement issued February 9, 1979 in this docket, revised rate schedules in the form set forth in Appendix A of the Settlement Agreement.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's Rules of Practice and Procedure. All such protests should be filed on or before April 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER 78-291]

[FR Doc. 79-10166 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Ohio Power Co. and Columbus and Southern Ohio Electric Co.; Proposed Termination

March 26, 1979.

Take notice that Ohio Power Company and Columbus and Southern Ohio Electric Company (the Companies), on March 12, 1979, tendered for filing a Notice of Termination of Supplement No. 6 to Ohio Power Company Rate Schedule FERC No. 32 and Supplement No. 6 to Columbus and Southern Ohio Electric Company Rate Schedule FERC No. 7, Service Schedule G—Fuel Conservaton Power and Energy.

The agreement between the Companies does not provide for any service under the Schedule after December 31, 1974. Therefore, the Companies have requested that the Commission make the Notice of Termination effective any time after that date as provided in 18 CFR 35.15.

According to the Companies the schedules involved provide only for service between the two Companies, who have jointly filed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79-244]

[FR Doc. 79-10167 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Sonat Exploration Co.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

March 27, 1979.

On March 13, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

The State Oil and Gas Board of Mississippi

FERC Control Number: JD79-814
API Well Number: 2309120058
Section of NGPA: 102
Operator: Sonat Exploration Company
Well Name: Maxie Forbes, et al #1
Field: West Sandy Hook
County: Marion
Purchaser: Southern Natural Gas Company
Volume: 180 MMcf.

FERC Control Number: JD79-815
API Well Number: 2309520250
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Dobbs Unit #29-5, Well #1
Field: Buttahatchie River
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 307 MMcf.

FERC Control Number: JD79-816
API Well Number: 2309520238
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Dobbs Unit #29-12, Well #1
Field: Buttahatchie River
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 63 MMcf.

FERC Control Number: JD79-817
API Well Number: 2309520213
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: WELLS Unit #6-3, Well #1
Field: Maple Branch
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 2 MMcf.

FERC Control Number: JD79-818
API Well Number: 2309520203
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Troupe Unit #36-11, Well #1
Field: Maple Branch
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 18 MMcf.

FERC Control Number: JD79-819
API Well Number: 2309520216
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Weyerhauser Unit #1-1, Well #1
Field: Maple Branch
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 4 MMcf.

FERC Control Number: JD79-820
API Well Number: 2309520200
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Pounders Unit #6-11, Well #1
Field: Maple Branch
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 40 MMcf.

FERC Control Number: JD79-821
API Well Number: 2309520251
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Sartor #1
Field: Buttahatchie River
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 475 MMcf.

FERC Control Number: JD79-822
API Well Number: 2309520250
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Dobbs Unit #29-5, Well #1
Field: Buttahatchie River
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 478 MMcf

FERC Control Number: JD79-823
API Well Number: 2309520258
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Harmon Unit #24-16, Well #1
Field: Buttahatchie River
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 475 MMcf

FERC Control Number: JD79-824
API Well Number: 2309520232
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Dobbs Unit #30-7, Well #1
Field: Buttahatchie River
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 490 MMcf

FERC Control Number: JD79-825
API Well Number: 2309520238
Section of NGPA: 102, 103
Operator: Pruet & Hughes Operating Company
Well Name: Dobbs Unit #29-12, Well #1
Field: Buttahatchie River
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 493 MMcf.

FERC Control Number: JD79-826
API Well Number: 2309520179
Section of NGPA: 102, 103

Operator: Pruet & Hughes Operating Company
Well Name: Crump Unit #1-6, Well #1
Field: Maple Branch
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: N/A

FERC Control Number: JD79-827
API Well Number: 2304520036
Section of NGPA: 102
Operator: Saga Petroleum U.S. Inc
Well Name: Rebecca Baxter Seal Estate et al 19-4 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 1,095.0 MMcf

FERC Control Number: JD79-828
API Well Number: 2304520049
Section of NGPA: 102
Operator: Saga Petroleum U.S. Inc
Well Name: E. M. Brignac, Jr. 30-7 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 1,095.0 MMcf

FERC Control Number: JD79-829
API Well Number: 2304520046
Section of NGPA: 102
Operator: Saga Petroleum U.S. Inc
Well Name: E. M. Serio 1-4 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 1,095.0 MMcf

FERC Control Number: JD79-830
API Well Number: 2304520058
Section of NGPA: 102
Operator: Saga Petroleum U.S. Inc
Well Name: MACC 20-4 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 1,095.0 MMcf

FERC Control Number: JD79-831
API Well Number: 2304520028
Section of NGPA: 103
Operator: Saga Petroleum U.S. Inc
Well Name: H. Hunter White et al 26-1 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 547.5 MMcf

FERC Control Number: JD79-831
API Well Number: 2304520028
Section of NGPA: 103
Operator: Saga Petroleum U.S. Inc.
Well Name: H. Hunter White et al 26-1 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 547.5 MMcf.

FERC Control Number: JD79-832
API Well Number: 2304520032
Section of NGPA: 103
Operator: Saga Petroleum U.S. Inc.
Well Name: Rita Cue Johnson et al 25-1 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 547.5 MMcf.

FERC Control Number: JD79-833
API Well Number: 2304520015
Section of NGPA: 103
Operator: Saga Petroleum U.S. Inc.
Well Name: James T. Williams 3507 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 1,095.0 MMcf.

FERC Control Number: JD79-834
API Well Number: 2304520038
Section of NGPA: 103
Operator: Saga Petroleum U.S. Inc.
Well Name: Prince J. Ladner, Jr. 27-1 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 547.5 MMcf.

FERC Control Number: JD79-835
API Well Number: 2304520039
Section of NGPA: 103
Operator: Saga Petroleum U.S. Inc.
Well Name: Rita Cue Johnson et al 36-2 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 547.5 MMcf.

FERC Control Number: JD79-836
API Well Number: 2304520047
Section of NGPA: 103
Operator: Saga Petroleum U.S. Inc.
Well Name: J. T. Williams 34-1 #1
Field: Waveland
County: Hancock
Purchaser: United Gas Pipe Line Company
Volume: 1,095.0 MMcf.

FERC Control Number: JD79-837
API Well Number: 2300720021
Section of NGPA: 107
Operator: Inexco Oil Company
Well Name: Smith Estate #1
Field: Monticello Field—Hosston
County: Lawrence County
Purchaser: United Gas Pipe Line Co.
Volume: 256 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-10150 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Southern Natural Gas Co., Amendment

March 27, 1979.

Take notice that on March 7, 1979, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-151 a second amendment to its pending application in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the second amendment which is on file with the Commission and open to public inspection.[1]

Southern states that it makes this amendment for the purpose of clarifying the proposed transportation and exchange of natural gas for United supplementing Exhibit P of the application by filing an amendment to the transportation agreement between United and Southern; and clarifying the rates to be charged by Southern to United for the transportation and exchange service proposed herein.

Southern indicates that through its application it requested the issuance of a certificate of public convenience and necessity authorizing the transportation and exchange of up to a maximum of 20,000 Mcf of natural gas per day for United's account from certain points of receipt in South Marsh Island blocks 268, 269, and 281, offshore Louisiana, to points of redelivery onshore South Louisiana as part of a project relating to the sale and transportation of volumes from the above mentioned blocks. It is stated that pursuant to an agreement dated November 18, 1974, Southern would transport and exchange gas purchased by United from TransOcean Oil, Inc. from points of delivery in the blocks to either a point of redelivery to United near the Calumet Processing Plant or to a point of redelivery near Bayou Sale, Louisiana. Southern asserts that this transportation service for United would be accomplished by using a portion of Southern's capacity in Trunkline Gas Company's (Trunkline) pipeline facilities extending from the blocks to an onshore redelivery point to Southern located in the vicinity of Southern's Shadyside Compressor Station in St. Mary Parish, Louisiana.

Southern states it amends its application to request authorization to transport and exchange for United on a firm basis up to 20,000 Mcf of gas per day from the block delivery points to a single point of redelivery at the point of interconnection between the facilities of United and Southern near Bayou Sale,

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

St. Mary Parish, Louisiana. It is stated that the transportation and exchange would be performed pursuant to an agreement dated November 18, 1974 and amended by instrument dated March 1, 1979. The agreement provides for a term of twenty years from the date of first deliveries, during which time Southern would redeliver by exchange on a daily basis, the quantity of gas delivered at the delivery point, adjusted for difference in Btu content and less United's proportionate share of any gas used or lost as a result of transportation through Trunkline's facilities, it is stated. Southern would effect the redelivery of gas to United by reducing Southern's entitlement to gas which United is obligated to redeliver to Southern at the Bayou Sale redelivery point pursuant to an existing agreement dated September 10, 1970.

It is stated that Southern's transportation charge for the service to be performed for United is a two-part rate and that the monthly charge has been derived from United's proportionate use of Southern's capacity in Trunkline's facilities, the cost of which is $384,200 per month, as calculated by Trunkline. It is further stated that the commodity charge has been derived on a cost of service basis from United's proportionate use, on an Mcf throughput basis of Southern's new facilities proposed in Docket No. CP75-163 and has been calculated to be 3.3 cents per Mcf redelivered to United at the necessary point. It is stated further that such charge is subject to adjustment upward and downward by 14.86 cents per Mcf of gas which Trunkline on any day or days either takes in excess of the transportation quantity attributable to United or fails to take up to the transportation quantity attributable to United, respectively. It is stated also that the agreement provides for Southern to file rate adjustments from time to time to ensure that Southern would receive just and reasonable rates for the services it performs.

Southern states that it has been advised by Trunkline that it presently estimates that its offshore facilities would be completed and operational for the account of Southern during the month of May 1979.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natual Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[Docket No. CP75-151]

[FR Doc. 79-10168 Filed 4-2-79; 8:45 am]
BILLING CODE 6450-01-M

Southern Union Exploration Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

March 26, 1979.

On March 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of New Mexico Oil Conservation Energy and Minerals Department, Oil Conservation Division

FERC Control Number: JD79-861
API Well Number: None
Section of NGPA: 108
Operator: Southern Union Exploration Company
Well Name: Kilgore 1
Field: Gavilan
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 11 MMcf.

FERC Control Number: JD79-862
API Well Number: 3002525526
Section of NGPA: 108
Operator: Southern Union Exploration Company
Well Name: Supco-State 2
Field: North Vacum
County: Lea County
Purchaser: Southern Union Company
Volume: 2 MMcf.

FERC Control Number: JD79-863
API Well Number: 3002525326
Section of NGPA: 108
Operator: Southern Union Exploration Company
Well Name: Gallagher 8 State 3
Field: North Vacum
County: Lea
Purchaser: Southern Union Company
Volume: 1 MMcf.

FERC Control Number: JD79-864
API Well Number: 30029062120000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Hamilton State #5
Field: Ballard—Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79-865
API Well Number: 30045064850000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Turner B Comm B #7
Field: Fulcher, Kutz—Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 20 MMcf.

FERC Control Number: JD79-866
API Well Number: 30039055180000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit#20
Field: Blanco, South—Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 17.0 MMcf.

FERC Control Number: JD79-867
API Well Number: 300390652590000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Hamilton Comn D #7
Field: Ballard—Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 10.6 MMcf.

FERC Control Number: JD79-868
API Well Number: 30039057170000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Harvey State #8
Field: Ballard—Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 3.3 MMcf.

FERC Control Number: JD79-869
API Well Number: 300390600360000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Harvey State #6
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 17.2 MMcf.

FERC Control Number: JD79-870
API Well Number: 30039059800000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Harvey State #7
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 7.7 MMcf.

FERC Control Number: JD79-871
API Well Number: 30039054850000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit #52
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 13.1 MMcf.

FERC Control Number: JD79-872
API Well Number: 30039059840000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Harvey State #4
Field: Blanco, South Pictured Cliffs Gas

County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 4 MMcf.

FERC Control Number: JD79–873
API Well Number: 3004509309
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: D. Miller #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79–874
API Well Number: 3004509317
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Miller Gas Com "B"
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 9 MMcf.

FERC Control Number: JD79–875
API Well Number: 3004507768
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Gallegos Canyon Unit—Com "J" #84
Field: W. Kutz P. C.
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 6 MMcf.

FERC Control Number: JD79–876
API Well Number: 3004509630
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Farnsworth Gas Com B#1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 16 MMcf.

FERC Control Number: JD79–877
API Well Number: None
Section of NGPA: 108
Operator: Bradley A Keyes
Well Name: Blancett
Field: Aztec Pictured Cliffs
County: San puan
Purchaser: El Paso Natural Gas Company
Volume: 2 MMcf.

FERC Control Number: JD79–878
API Well Number: None
Section of NGPA: 108
Operator: D. M. Norman
Well Name: #1 McCallister
Field: Tubb Oil
County: Lea
Purchaser: Getty Oil Company
Volume: 4.5 MMcf.

FERC Control Number: JD79–879
API Well Number: None
Section of NGPA: 108
Operator: E. L. Fudingsland
Well Name: Sunico Davis #10
Field: Gavilan Pictured Cliffs
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 11 MMcf.

FERC Control Number: JD79–880
API Well Number: None
Section of NGPA: 108
Operator: E. L. Fudingsland
Well Name: G. Dunham #9
Field: Gavilan Pictured Cliffs
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79–881
API Well Number: 3004505877
Section of NGPA: 108
Operator: Monsanto Company
Well Name: State "J" 1 Communitzed
Field: Basin Dakota
County: San Juan County
Purchaser: El Paso Natural Gas Company
Volume: 4,200 MMcf.

FERC Control Number: JD79–882
API Well Number: None
Section of NGPA: 108
Operator: Apco, INc.
Well Name: Pearson
Field: Aztec-Fruitland Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 13.419 MMcf.

FERC Control Number: JD79–883
API Well Number: 30025–06662
Section of NGPA: 108
Operator: Sohio Natural Resources Co.
Well Name: Alves #2 Well
Field: Eumont-Queen Gas
County: Lea
Purchaser: Northern Natural Gas Co.
Volume: 15.7 MMcf.

FERC Control Number: JD79–884
API Well Number: None
Section of NGPA: 108
Operator: Lynco Oil Corporation
Well Name: Regina #6
Field: South Blanco PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: N/A

FERC Control Number: JD79–885
API Well Number: None
Section of NGPA: 108
Operator: Lynco Oil Corporation
Well Name: Regina #1
Field: South Blanco PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 6 MMcf.

FERC Control Number: JD79–886
API Well Number: None
Section of NGPA: 108
Operator: Lynco Oil Corporation
Well Name: NM Comm A–1
Field: Aztec PC
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 13 MMcf.

FERC Control Number: JD79–887
API Well Number: None
Section of NGPA: 108
Operator: Lynco Oil Corporation
Well Name: Douthit Brouning #1–A
Field: South Blanco PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 12 MMcf.

FERC Control Number: JD79–888
API Well Number: None
Section of NGPA: 108
Operator: Lynco Oil Corporation
Well Name: Walter Howard #2
Field: Gavilan PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79–889
API Well Number: 300390626200
Section of NGPA: 108
Operator: Getty Oil Corporation
Well Name: Paul Williams No. 1
Field: Blanco P Cliffs S.
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 13.0 MMcf.

FERC Control Number: JD79–890
API Well Number: None
Section of NGPA: 108
Operator: Lynco Oil Corporation
Well Name: Walter Howard #1
Field: Gavilan PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 7 MMcf.

FERC Control Number: JD79–891
API Well Number: 300450956800
Section of NGPA: 108
Operator: Getty Oil Corporation
Well Name: M. L. R. Wright GU No. 1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 10 MMcf.

FERC Control Number: JD79–892
API Well Number: 30045061850000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Huerfano Unit #31
Field: Kutz, West Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 7.0

FERC Control Number: JD79–893
API Well Number: 30039055700000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit #14
Field: Blanco South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 7.3 MMcf.

FERC Control Number: JD79–894
API Well Number: 30039056660000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #88
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 9.1 MMcf.

FERC Control Number: JD79–895
API Well Number: 30045064560000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Turner B Com C #8
Field: Fulcher, Kutz Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 4 MMcf.

FERC Control Number: JD79–896
API Well Number: 30039060040000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Harvey State #1
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.

Volume: 1 MMcf.

FERC Control Number: JD79–897
API Well Number: 30039060380000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Harvey State #2
Field: Ballard-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 1 MMcf.

FERC Control Number: JD79–898
API Well Number: 30039068010000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Johnston A Com C 9 PC & MV
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 17.2 MMcf.

FERC Control Number: JD79–899
API Well Number: 30045087070000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Schultz Com #7
Field: Aztec Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 20.0 MMcf.

FERC Control Number: JD79–900
API Well Number: 30045068750000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Brookhaven Com 7 PC & MV
Field: Blanco, South Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 15.3 MMcf.

FERC Control Number: JD79–901
API Well Number: 30039055230000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit #23
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 8.4 MMcf.

FERC Control Number: JD79–902
API Well Number: 30029055770000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit #11
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 7.0 MMcf.

FERC Control Number: JD79–903
API Well Number: 3003905059880000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Harvey State #11
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 5.0 MMcf.

FERC Control Number: JD79–904
API Well Number: 30039054040000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit #22
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 13.5 MMcf.

FERC Control Number: JD79–905
API Well Number: 30039055730000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit #49
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 18.3 MMcf.

FERC Control Number: JD79–906
API Well Number: 30039600190000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: SJ 27–5 Unit 29 PC & MV
Field: Tapacito Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 11.3 MMcf.

FERC Control Number: JD79–907
API Well Number: 3003921334
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit Com #91
Field: South Blanco
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 23 MMcf.

FERC Control Number: JD79–908
API Well Number: 3003921333
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit Com #92
Field: South Blanco
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 16 MMcf.

FERC Control Number: JD79–909
API Well Number: 3003921169
Section of NGPA: 103
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit Com #88
Field: South Blanco
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 27 MMcf.

FERC Control Number: JD79–910
API Well Number: 30039069660000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: SJ 27–4 Unit 23 PC & MV
Field: Tapacito Pictured Cliffs Gas & Blanco Mesaverde Gas
County: N/A
Purchaser: El Paso Natural Gas Company
Volume: 15.7 MMcf.

FERC Control Number: JD79–911
API Well Number: 30039079970000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: San Juan 32–5 Unit #16
Field: Blanco Mesaverde Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 8.0 MMcf.

FERC Control Number: JD79–912
API Well Number: 30045600560000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Allison Unit #2
Field: Blanco Mesaverde Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 9.1 MMcf.

FERC Control Number: JD79–913
API Well Number: 30039069790000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: SJ 27–5 Unit 41 PC & MV
Field: Tapacito Pictured Cliffs Gas & Blanco Mesaverde Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 15.7 MMcf.

FERC Control Number: JD79–914
API Well Number: 30039068280000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: SJ 27–5 Unit 36 PC & MV
Field: Tapacito Pictured Cliffs Gas & Blanco Mesaverde
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 13.0 MMcf.

FERC Control Number: JD79–915
API Well Number: 3003905450000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Lindrith Unit #16
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 16.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–10152; Filed 4–2–79 8:45 am]

BILLING CODE 6450–01–M

Stone Oil Corp., Et Al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

March 27, 1979.

On March 21, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Louisiana

Department of Natural Resources, Office of Conservation

FERC Control Number: JD79–1001
API Well Number: 1711320805
Section of NGPA: 102
Operator: The Stone Oil Corporation
Well Name: Exxon Fee No. 9 159419
Field: LAC BLANC
County: Vermilion Parish
Purchaser:
Tennessee Gas Pipe Line Company
Volume: 2738 MMcf.

FERC Control Number: JD79–1002
API Well Number: 1703120724
Section of NGPA: 103
Operator: MRT Exploration Company
Well Name: Hoss RA SU 15; Means No. 1
Field: Holly
County: DeSota
Purchaser: Mississipp River Transmission Corp.
Volume: 32 MMcf.

FERC Control Number: JD79–1003
API Well Number: 1711920213000
Section of NGPA: 103
Operator: Alice-Sidney Oil Company
Well Name: Hosston A&B RA Sudd–J.D. Bates A–1
Field: ADA
County: Webster Parish
Purchaser: Arkansas Louisiana Gas Company
Volume: 720 MMcf.

FERC Control Number: JD79–1004
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #19
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 6.0 MMcf.

FERC Control Number: JD79–1005
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #16
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 1.9 MMcf.

FERC Control Number: JD79–1006
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #14
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 1.0 MMcf.

FERC Control Number: JD79–1007
API Well Number: 1710921997
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: LaTerre C #14
Field: Dulac
County: Terrebonne
Purchaser: United Gas Pipe Line Company
Volume: 700 MMcf.

FERC Control Number: JD79–1008
API Well Number: 1710921958
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: Bay Baptiste #9–D Field: Bay Baptiste
County: Terrebonne
Purchaser: United Gas Pipe Line Company
Volume: 1,050 MMcf.

FERC Control Number: JD79–1009
API Well Number: 1710921915
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: FFRASUC C.L. & F.A. #19
Field: Kent Bayou
County: Terrebonne
Purchaser: United Gas Pipe Line Company
Volume: 350 MMcf.

FERC Control Number: JD79–1010
API Well Number: 1710921970
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: C.L. & F.A. #20
Field: Kent Bayou
County: Terrebonne
Purchaser: United Gas Pipe Line Company
Volume: 1,550 MMcf.

FERC Control Number: JD79–1011
API Well Number: 1710922105
Section of NGPA: 102
Operator: Pennzoil Producing Company
Well Name: U Krum RA Sub; Pearly Antill #3
Field: Humphreys
County: Terrebonne
Purchaser: United Gas Pipe Line Company
Volume: 2000 MMcf.

FERC Control Number: JD79–1012
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #23
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 4.9 MMcf.

FERC Control Number: JD79–1013
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #22
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 2.3 MMcf.

FERC Control Number: JD79–1014
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #8
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 6.0 MMcf.

FERC Control Number: JD79–1015
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #1
Field: Monroe Gas Field
County: Qyachita
Purchaser: Mid Louisiana Gas Company
Volume: 1.9 MMcf.

FERC Control Number: JD79–1016
API Well Number: 1707300070
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Cole #4
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 3.8 MMcf.

FERC Control Number: JD79–1017
API Well Number: 1711100230
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Grayling LBR #42
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 6.6 MMcf.

FERC Control Number: JD79–1018
API Well Number: 1711100231
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Grayling LBR #41
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 15.7 MMcf.

FERC Control Number: JD79–1018
API Well Number: 1711101677
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Grayling LBR #40
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 8.0 MMcf.

FERC Control Number: JD79–1019
API Well Number: 1711100253
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Grayling LBR #38
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 10.6 MMcf.

FERC Control Number: JD79–1021
API Well Number: 1711101688
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Grayling LBR #35
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 8.4 MMcf.

FERC Control Number: JD79–1022
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #34
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79–1023
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #32
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 9.1 MMcf.

FERC Control Number: JD79–1024
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R. E. #26
Field: Monroe Gas Field

County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 2.8 MMcf.

FERC Control Number: JD79–1025
API Well Number: 1705721477
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: S L 1480, #24
Field: Lake Raccourci
County: Lafourche Parish
Purchaser: Columbia Gas Trans. Corp.
Volume: 180 MMcf.

FERC Control Number: JD79–1026
API Well Number: 1710921984
Section of NGPA: 107
Operator: Exxon Corporation
Well Name: Laterre Co., Inc. #35
Field: Lirette
County: Terrebonne Parish
Purchaser: Columbia Gas Trans. Corp.
Volume: 330 MMcf.

FERC Control Number: JD79–1027
API Well Number: 1705120383
Section of NGPA: 102
Operator: Edwin L. Cox
Well Name: LL&E #1
Field: Little Lake
County: Jefferson
Purchaser: Tennessee Gas Pipeline Company
Volume: 180 MMcf.

FERC Control Number: JD79–1028
API Well Number:
Section of NGPA: 108
Operator: Pennzoil Producing Company
Well Name: Skannal #B–1
Field: Sligo
County: Bossier
Purchaser: United Gas Pipe Line Company
Volume: 9 MMcf.

FERC Control Number: JD79–1029
API Well Number: 1701501406000
Section of NGPA: 108
Operator: Pennzoil Producing Company
Well Name: Thigpen Herold #B–7
Field: Sligo
County: Bossier
Purchaser: United Gas Pipe Line Company
Volume: 2 MMcf.

FERC Control Number: JD79–1030
API Well Number: 1701501369000
Section of NGPA: 108
Operator: Pennzoil Producing Company
Well Name: Sheppard #B–3
Field: Sligo
County: Bossier
Purchaser: United Gas Pipe Line Company
Volume: 14 MMcf.

FERC Control Number: JD79–1031
API Well Number: 1701520106
Section of NGPA: 108
Operator: Pennzoil Producing Company
Well Name: Skannal #A–3
Field: Sligo
County: Bossier
Purchaser: United Gas Pipe Line Company
Volume: 8 MMcf.

FERC Control Number: JD79–1032
API Well Number: 17015013930000
Section of NGPA: 108
Operator: Pennzoil Producing Company
Well Name: Sheppard #A–3
Field: Sligo
County: Bossier
Purchaser: United Gas Pipe Line Company
Volume: 16 MMcf.

FERC Control Number: JD79–1033
API Well Number: 17015014080000
Section of NGPA: 108
Operator: Pennzoil Producing Company
Well Name: Thigpen Herold #B–2–D
Field: Sligo
County: Bossier
Purchaser: United Gas Pipe Line Company
Volume: 9 MMcf.

FERC Control Number: JD79–1034
API Well Number: 17 067 20626
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Kenyon Spyker #15, #144968
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas Company
Volume: 3.3 MMcf.

FERC Control Number: JD79–1035
API Well Number: 17 067 20618
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Kenyon-Spyker #13, #144490
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas Company
Volume: 5.1 MMcf.

FERC Control Number: JD79–1036
API Well Number: 17 067 20570
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Kenyon Spyker #12, #143390
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas Company
Volume: 9.1 MMcf.

FERC Control Number: JD79–1037
API Well Number: 1711102079
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Potts #1
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 2.6 MMcf.

FERC Control Number: JD79–1038
API Well Number: 1711102077
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Potts #2
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 11.0 MMcf.

FERC Control Number: JD79–1039
API Well Number: 1701721122
Section of NGPA: 108
Operator: L. C. Geer & Associates
Well Name: N. B. Stoer #1
Field: Keithville
County: Caddo
Purchaser: Texas Gas Transmission Corp.
Volume: 17 MMcf.

FERC Control Number: JD79–1040
API Well Number: 1701320279
Section of NGPA: 108
Operator: Crystal Oil Company
Well Name: U Hoss Su H; Skinner #1
Field: Arcadia
County: Bienville
Purchaser: Texas Gas Transmission Corp.
Volume: 5 MMcf.

FERC Control Number: JD79–1041
API Well Number: 17119004770000
Section of NGPA: 108
Operator: Crystal Oil Company
Well Name: Armour, C. B. 1–A
Field: Shongaloo
County: Webster
Purchaser: Texas Gas Transmission Corp.
Volume: 1 MMcf.

FERC Control Number: JD79–1042
API Well Number: 17 067 00152
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Young #1, #095491
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas Company
Volume: 3.7 MMcf.

FERC Control Number: JD79–1043
API Well Number: 17 067 20619
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Kenyon Spyker #14, #14491
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79–1044
API Well Number: 1711120232
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #47
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 6.9 MMcf.

FERC Control Number: JD79–1045
API Well Number: 17111201129
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #48
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 8.0 MMcf.

FERC Control Number: JD79–1046
API Well Number: 1711120130
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #49
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 6.2 MMcf.

FERC Control Number: JD79–1047
API Well Number: 1711120133
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #50
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 5.8 MMcf.

FERC Control Number: JD79–1048
API Well Number: 1711120134
Section of NGPA: 108
Operator: IMC Exploration Company

Well Name: Olin Gas Trans. Corp. #51
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.0 MMcf.

FERC Control Number: JD79–1049
API Well Number: 1711120131
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #52
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 9.1 MMcf.

FERC Control Number: JD79–1050
API Well Number: 1711120135
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #53
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 6.2 MMcf.

FERC Control Number: JD79–1051
API Well Number: 1711100408
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #40
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 6.2 MMcf.

FERC Control Number: JD79–1052
API Well Number: 1711100407
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #41
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.7 MMcf.

FERC Control Number: JD79–1053
API Well Number: 1711100406
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #42
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79–1054
API Well Number: 1711100405
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #43
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 5.8 MMcf.

FERC Control Number: JD79–1055
API Well Number: 1711100404
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #44
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 8.8 MMcf.

FERC Control Number: JD79–1056
API Well Number: 1711100396
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #45
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 3.3 MMcf.

FERC Control Number: JD79–1057
API Well Number: 1711100395
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #46
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.5 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–10149 Filed 4–2–79; 8:45 am]
BILLING CODE 6450–01–M

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Order on Import Authorization

March 28, 1979.

On February 21, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed an application to import 5 Bcf of natural gas from TransCanada Pipelines Limited's (TransCanada) system supplies on an emergency basis.

Tennessee proposes to import the gas for system winter high priority needs and to make further withdrawals from storage unnecessary. The gas would be delivered to Tennessee at an existing point of interconnection on the United States-Canadian border near Niagara Falls, New York.[1] Tennessee proposes to import the total quantity of gas by April 1, 1979, or such later date as may be necessary and authorized. The cost of the gas purchased will be reflected in subsequent purchased gas adjustment (PGA) filing and the gas will be priced no higher than the current border price of $2.16 (U.S.) per million Btu's.

[1] Authorized by the Federal Power Commission on November 12, 1953, in Docket No. G–1922.

The application was simultaneously filed at this Commission and the Economic Regulatory Administration (ERA) pursuant to Section 3 of the Natural Gas Act, 15 U.S.C. § 717(c); Sections 301 and 402 of the Department of Energy Organization Act, 42 U.S.C. 7151 and 7172; Secretary of Energy Delegation Order Nos. 0204–25 and 0204–26, 43–FR 47772; and §§ 153.1 to 153.8 of the Commission's Regulations, 18 CFR 153.1–153.8.

After due notice issued on February 27, 1979 (44 FR 12481, March 7, 1979), one timely petition to intervene was filed in support of the application by Consolidated Edison Company of New York, and no formal hearing was requested. No further petitions to intervene, notices of intervention, or protests to the granting of the application have been filed.

On March 17, 1979, ERA issued an order granting the emergency authorization to import the requested volumes. Due to the passage of time, ERA has allowed the importation to extend for a period of 60 days following the issuance of its order. ERA also waived the requirements of Section 153 of the Commission's Regulations (18 CFR 153), but has directed that an application conforming to that section be filed within 30 days of its order.

Based on applicant's pleadings and our analysis of the filings, we find that the requested importation, as proposed by applicant, is not inconsistent with the public interest. Therefore, the Commission grants applicant's request to import 5 Bcf of natural gas from Canada as proposed in Docket No. CP79–188, consistent with the extent of the Commission's authority and responsibility in this matter. See Delegation Order No. 0204–26, *supra.*

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Commission approve as requested the instant application in Docket No. CP79–188.

(2) Said import is not inconsistent with the public interest.

(3) Participation in these proceedings by Consolidated Edison Company of New York may be in the public interest.

The Commission orders: (A) Tennessee Gas Pipeline Company is authorized to import 5 Bcf of natural gas from Canada as proposed in Docket No. CP77–188, consistent with the foregoing discussion.

(B) Consolidated Edison Company of New York, is permitted to intervene subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervener

shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor will not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[Docket No. CP79-188]

[FR Doc. 79-10141 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

BILLING CODE 6450-01

Tennessee Gas Pipeline Co., A Division of Tenneco Inc.; Petition to Amend

March 27, 1979.

Take notice that on March 8, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP68-248 a petition to amend the order of May 24, 1968, issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of natural gas to Midwestern Gas Transmission Company (Midwestern) under terms of a new gas sales contract which provides for an additional delivery point at Will County, Illinois, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

Tennessee states that the order of May 24, 1968, authorized it to increase the volumes permitted to be sold to Midwestern under Tennessee's Rate Schedule CD-1. It is stated that Tennessee is now serving Midwestern under Tennessee's Rate Schedule CD-1 and the terms and conditions of an associated gas sales contract between the parties dated November 1, 1970, which provides for the sale and delivery by Tennessee of a contracted demand of 589,000 Mcf of natural gas per day at 15.025 psia. Pursuant to such contract, Tennessee states it delivers gas to Midwestern at the interconnection of the pipeline facilities of Tennessee and Midwestern located on the suction side of Tennessee's Compressor Station No. 87 near Portland, Tennessee. It is indicated that Tennessee and Midwestern have entered into another agreement dated February 26, 1979 in which Tennessee and Midwestern agree to execute a new sales contract pursuant to which Midwestern would receive from Tennessee, volumes of gas at an existing interconnection between the systems of Midwestern and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) located at Midwestern's Main Line 2125 B-100 plus 1.62 miles in Will County, Illinois as well as at the existing Portland delivery point. Tennessee states that the additional delivery point would provide it and Midwestern with operational flexibility in that Tennessee would be able to cause deliveries of gas to Midwestern at the Will County delivery point through its arrangements with Michigan Wisconsin to receive, transport and redeliver volumes of natural gas for Tennessee's account for which arrangements Michigan Wisconsin has filed for authorization from the Commission.

Tennessee states that although the proposed daily volume limit for each point would exceed in total, Midwestern's contracted demand of 600,780 Mcf per day of natural gas, Midwestern would not be entitled to purchase on any day a total of more than 600,780 Mcf.

Additionally, in the event gas delivered to Midwestern at the Will County dleivery point does not contain 1,000 Btu's per cubic foot, Tennessee requests authorization to deliver to Midwestern additional volumes necessary to offset such Btu deficiency.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[Docket No. CP68-248]

[FR Doc. 79-10140 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Transcontinental Gas Pipe Line Corp.; Application

March 26, 1979.

Take notice that on March 13, 1979, Transcontinental Gas Pipe Line Corporation, (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-218 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the following facilities:

(1) Approximately 113 feet of 8-inch transmission purchase lateral and one measuring and regulating station known as the Texas Gas Washington gathering facilities, St. Landry Parish, Louisiana.

(2) Approximately 51,606 feet of 6-inch lateral and tap known as the Sun-McComb facilities, Pike County, Mississippi.

(3) One 600 horsepower skid mounted compressor unit at the Leleux Field, Vermilion Parish, Louisiana.

(4) Approximately 2,802 feet of 3-inch Dilworth Field gathering line and approximately 25 percent of the M. M. Moore dehydration station located in McMullen County, Texas, known as the M. M. Moore purchase facilities.

(5) Laurens Glass Works industrial sales metering and regulating station, Laurens, South Carolina.

(6) Approximately 1,303 feet of 2½-inch gathering line and one measuring and regulating station located in La Salle County, Texas, known as the East Stuart City gathering facilities.

Transco states the following reasons for abandonment of each facility hereinbefore mentioned:

(1) The Texas Gas Washington gathering facilities served as an additional delivery point for volumes purchased by Transco from Texas Gas Pipe Line Corporation under contract dated July 25, 1967. The gas supply received at this delivery point has been depleted and Transco intends to salvage the facilities for use at other Transco locations.

(2) The Sun-McComb facilities were installed pursuant to authorization granted in Docket No. CP60-98 and were utilized to transport quantities of natural gas for Sun Oil Company (Sun) from the McComb Field, Pike County, Mississippi. Such transportation took place under contract between Sun and Transco dated January 5, 1960. Sun has released the acreage they owned in the McComb Field and by the terms of an amendment to the transportation agreement dated March 14, 1960, Transco would assign these facilities to Sun.

(3) The 600 horsepower compressor unit located at the inlet side of the Leleux Gas Plant, Vermilion Parish, Louisiana was installed pursuant to a contract between Transco and Amerada Hess Corporation dated March 25, 1974.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000 ff), it was transferred to the Commission.

Due to the declining deliverability of the Leleux Field gas, the subject compressor unit is no longer necessary. Transco intends to retain the compressor unit at the Leleux Gas Plant as a spare part.

(4) The M. M. Moore purchase facilities were installed pursuant to authorization granted in G–20481 and served as a means of taking into Transco's system natural gas purchased from production of the Mattie Moore Well, McMullen County, Texas from Chevron, U.S.A., Inc. (Chevron) under contract dated April 5, 1957. Deliveries from the Mattie Moore Well have ceased due to exhaustion of reserves. Transco is still receiving gas under the Chevron contract from other wells in the Southeast Dilworth Field, and, therefore, there is no contract termination. Transco intends to salvage the dehydration station for use in other Transco locations and would abandon the line in place.

(5) The Laurens Glass Works industrial sales metering and regulating station was installed pursuant to authorization granted in Docket No. G–1782 and served as a means of delivering gas to Laurens Glass Works, Inc., one of Transco's interruptible direct customers. As the twenty-year contract between Laurens and Transco expired by its own terms on December 2, 1972, these facilities are no longer necessary. Transco intends to salvage the metering and regulating station for use at other Transco locations.

(6) The East Stuart City gathering facilities were installed pursuant to authorization granted in G–16101 and served as a means of taking into Transco's system natural gas purchased in the East Stuart City Field, LaSalle County, Texas from Sutton Producing Corporation, John J. Ford, and Joseph P. Kennedy under contract dated March 11, 1957. Deliveries from the East Stuart City Field ceased in September 1974 due to exhaustion of reserves. Transco intends to salvage the measuring and regulating station for use in other Transco locations and would abandon the line in place.

Transco states that with the exception of the Sun-McComb facilities which would be assigned to Sun, the lines would be abandoned in place and the meter and regulator stations and appurtenant facilities would be salvaged for use at other Transco locations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79–218]

[FR Doc. 79–10142 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

Transcontinental Gas Pipe Line Corp.; Application

March 26, 1979.

Take notice that on March 13, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79–219 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for National Fuel Gas Supply Corporation (National Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and National Fuel have entered into a transportation agreement dated January 31, 1979, the purpose of which would be to assist National Fuel in making available for resale to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), natural gas which National Fuel would purchase in High Island Block A–330, offshore Texas (HI A–330).

Applicant indicates that it would transport for National Fuel, from the point of interconnection of Applicant's Southwest Louisiana Gathering System (SW System) and the tailgate of the separation plant of U–T Offshore System (U–TOS) at Johnson's Bayou, Cameron Parish, Louisiana, up to 8,300 Mcf of gas per day, which National Fuel would purchase from HNG Fossil Fuels Company (HNG) in HI A–330 and which would be transported to shore by High Island Offshore System (HIOS) and U–TOS. Pursuant to the agreement, Applicant would deliver thermally equivalent quantities of gas to Tennessee for the account of National Fuel at existing points of interconnection between Applicant and Tennessee located near (1) Starks, Calcasieu Parish, Louisiana (Starks), (2) Kinder, Allen Parish, Louisiana (Kinder), and (3) Crowley, Acadia Parish, Louisiana (Crowley).

Applicant states that transportation service to Starks, located on the SW System, and through the remainder of the SW System to Applicant's main line, would be on a firm basis and that transportation to Kinder and Crowley would initially be on a best efforts basis.

It is stated that National Fuel would pay Applicant a monthly charge of $10,375 and an additional charge of 1.75 cents per Mcf delivered at Crowley. Applicant would retain initially 0.6 percent of the gas delivered at Starks and 1.2 percent of the gas delivered at Kinder or Crowley for compressor fuel and line loss make-up.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[Docket No. CP79-219]

[FR Doc. 79-10143 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Transcontinental Gas Pipe Line Corp.; Tariff Filing

March 22, 1979.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Revised Fourteenth Revised Sheet No. 12 and Revised Thirteenth Revised Sheet No. 15 to Second Revised Volume No. 1 of Transco's FERC Gas Tariff. Transco states that pursuant to Commission Order Nos. 10 and 10-A in Docket No. RM78-23, Transco submitted for filing on March 1, 1979 revised tariff sheets to be effective April 1, 1979 to provide for the tracking of the State of Louisiana First Use Tax on Natural Gas (LFUT) during the pendency of litigation on the constitutionality of the LFUT. On March 2, 1979, the Commission issued Order No. 10-B which modified its prior orders in such docket and amended the Commission's Regulations regarding Pipelines' tracking of the LFUT.

Transco further states that the revised tariff sheets proposed to be effective April 1, 1979, reflect the same tracking increase of 6.1 cents per dekatherm, attributable to the LFUT, as contained in the tariff sheets filed on March 1, 1979. However, such sheets were revised because of the reduction included in Transco's revised PGA tracking increase filed on March 15, 1979, to be effective March 1, 1979. The other tariff sheets included in Transco's March 1, 1979 filing remain unchanged.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[Docket No. RP79-46]

[FR Doc. 79-10114 Filed 4-2-79; 8:45 am]

BILLING CODE 6450-01-M

Warrior Drilling & Engineering Co., Inc. and Natural Gas Systems, Inc; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

March 26, 1979.

On March 15, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

The State Oil and Gas Board of Alabama

FERC Control Number: JD79-840
API Well Number: 0105720067
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Nell Brown #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 146 MMcf.

FERC Control Number: JD79-841
API Well Number: 0105720067
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Nell Brown #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 146 MMcf.

FERC Control Number: JD79-842
API Well Number: 0105720121
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: C. A. Odom #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 408 MMcf.

FERC Control Number: JD79-843
API Well Number: 0105720073
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Jimmy Higgins #1
Field: Blooming Grove
County: Fayette
Purchaser: Pipeline Division, Warrior Drilling & Engineering Co., Inc.
Volume: 135 MMcf.

FERC Control Number: JD79-844
API Well Number: 0105720108
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Berry 8-10
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 211 MMcf.

FERC Control Number: JD79-845
API Well Number: 0105720128
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: M.O. Richey #3
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 200 MMcf.

FERC Control Number: JD79-846
API Well Number: 0105720076
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: L. R. Smith #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 292 MMcf.

FERC Control Number: JD79-847
API Well Number: 0105720097
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: M. O. Richey #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 100 MMcf.

FERC Control Number: JD79-848
API Well Number: 0105720109
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: A. W. Rasberry #1
Field: Blooming Grove
County: Fayette

Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 211 MMcf.

FERC Control Number: JD79–849
API Well Number: 0105720065
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Barnes Estate #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 273 MMcf.

FERC Control Number: JD79–850
API Well Number: 0105720073
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Jimmy Higgins #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 135 MMcf.

FERC Control Number: JD79–851
API Well Number: 0105720108
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Berry 8–10
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 211 MMcf.

FERC Control Number: JD79–852
API Well Number: 0105720097
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: M. O. Richey #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 100 MMcf.

FERC Control Number: JD79–853
API Well Number: 0105720065
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: Barnes Estate #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 273 MMcf.

FERC Control Number: JD79–854
API Well Number: 0105720121
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: C. A. Odom #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 408 MMcf.

FERC Control Number: JD79–855
API Well Number: 0105720128
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: M. O. Richey #3
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 200 MMcf.

FERC Control Number: JD79–856
API Well Number: 0105720109
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: A. W. Rasberry #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 211 MMcf.

FERC Control Number: JD79–857
API Well Number: 0105720076
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: L. R. Smith #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 292 MMcf.

FERC Control Number: JD79–858
API Well Number: 0105720051
Section of NGPA: 102
Operator: Warrior Drilling & Engineering Co., Inc.
Well Name: A. M. Grimsley #1
Field: Blooming Grove
County: Fayette
Purchaser: Warrior Drilling & Engineering Co., Inc.
Volume: 277 MMcf.

FERC Control Number: JD79–859
API Well Number: 0112720033
Section of NGPA: 102
Operator: Natural Gas Systems, Inc.
Well Name: FNB 26–6 Permit #2413
Field: Jasper Gas Field
County: Walker
Purchaser: Southern Natural Gas Company
Volume: 91.25 MMcf.

FERC Control Number: JD79–860
API Well Number: 0112720024
Section of NGPA: 102
Operator: Natural Gas Systems, Inc.
Well Name: FNB 26–10 Permit #2187
Field: Jasper Gas Field
County: Walker
Purchaser: Southern Natural Gas Company
Volume: 182.5 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–10151 Filed 4–2–79; 8:45 am]
BILLING CODE 6450–01–M]

Wisconsin Public Service Corp.; Filing

March 23, 1979.

Take notice that Wisconsin Public Service Corporation on March 9, 1979, tendered for filing a letter agreement to the "Partial Requirements Service Agreement" with Consolidated Water Power Company. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements.*

Copies of this filing were served upon Consolidated Water Power Company, according to Wisconsin Public Service Corporation.

The agreement is proposed to be effective January 25, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ERP79–243]
[FR Doc. 79–10145 Filed 4–2–79 8:45 am]
BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

IMC Exploration Company, et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

March 27, 1979.

On March 21, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Louisiana, Department of Natural Resources, Office of Conservation

FERC Control Number: JD79–1058
API Well Number: None
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Nolan #3
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.4 MMcf.

FERC Control Number: JD79–1059
API Well Number: None
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Nolan #8
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79–1060
API Well Number: 1711102294
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Mid Louisiana Gas Company
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.7 MMcf.

FERC Control Number: JD79–1061
API Well Number: 1711102295
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Nolan #10
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 3.7 MMcf.

FERC Control Number: JD79–1062
API Well Number: 1711102296
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Nolan #11
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 3.7 MMcf.

FERC Control Number: JD79–1063
API Well Number: None
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Nolan #12
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 3.7 MMcf.

FERC Control Number: JD79–1064
API Well Number: 1710121040
Section of NGPA: 103
Operator: WWF Oil Corporation
Well Name: DC Bintliff & WWf Oil SL 1595 #23
Field: Atchafalaya Bay Field
County: St. Mary Parish
Purchaser: Tennessee Gas Pipeline Company
Volume: 475 MMcf.

FERC Control Number: JD79–1065
API Well Number: 1710121016
Section of NGPA: 103
Operator: WWF Oil Corporation
Well Name: DC Bintliff & WWf Oil SL 1595 #2D
Field: Atchafalaya Bay Field
County: St. Mary
Purchaser: Tennessee Gas Pipeline Company
Volume: 657 MMcf.

FERC Control Number: JD79–1066
API Well Number: 1710121021
Section of NGPA: 103
Operator: W. W. F. Oil Corporation
Well Name: D C Bintliff & WWF Oil SL 4801
Field: Atchafalaya Bay Field
County: St. Mary
Purchaser: Tennessee Gas Pipeline Company
Volume: 510 MMcf.

FERC Control Number: JD79–1067
API Well Number: 1710121041
Section of NGPA: 103
Operator: WWF Oil Corporation
Well Name: DC Bintliff & WWF Oil SL 4801 #2
Field: Atchafalaya Bay Field
County: St. Mary
Purchaser: Tennessee Gas Pipeline Company
Volume: 311 MMcf.

FERC Control Number: JD79–1068
API Well Number: 1710120995
Section of NGPA: 107
Operator: Quintana Petroleum Corp.
Well Name: MA–LLC, Rex. B, SUA, Maryland Co. #7
Field: Garden City Field
County: St. Mary
Purchaser: Columbia Gas Transmission Corporation
Volume: 2920 MMcf.

FERC Control Number: JD79–1069
API Well Number: 1711100249
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Mineral Lands Inc. #3
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 14.6 MMcf.

FERC Control Number: JD79–1070
API Well Number: 1711100248
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Mineral Lands Inc. #4
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 6.8 MMcf.

FERC Control Number: JD79–1071
API Well Number: 1711102298
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Robert Nolan #1
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 7.7 MMcf.

FERC Control Number: JD79–1072
API Well Number: None
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Nolan #2
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.1 MMcf.

FERC Control Number: JD79–1073
API Well Number: 1709920693
Section of NGPA: 103
Operator: Forman Exploration Company
Well Name: CH RB SUM; Wilberts No. 1
Field: Bayou Bouillon Field
County: St. Martin
Purchaser: Southern Natural Gas Company
Volume: 730 MMcf.

FERC Control Number: JD79–1074
API Well Number: 1709920680
Section of NGPA: 103
Operator: Forman Exploration Company
Well Name: CH RB SUL; Stockstill No. 2
Field: Bayou Bouillon Field
County: St. Martin
Purchaser: Southern Natural Gas Company
Volume: 350 MMcf.

FERC Control Number: JD79–1075
API Well Number: 1711102173
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: McDougal #1
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 3.7 MMcf.

FERC Control Number: JD79–1076
API Well Number: 1711100534
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: McKinnie #1
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 1.1 MMcf.

FERC Control Number: JD79–1077
API Well Number: 1711100572
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: F. Haile Meeks #1
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 1.8 MMcf.

FERC Control Number: JD79–1078
API Well Number 1711100251
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Mineral Lands Inc. #1
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 12.8 MMcf.

FERC Control Number: JD79–1079
API Well Number: 1711100251
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Mineral Lands Inc #2
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: #11.7 MMcf.

FERC Control Number: JD79–1080
API Well Number: 1711100212
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: LA. Gas Lands #15
Field: Monroe Gas Field

County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 7.7 MMcf.

FERC Control Number: JD79–1081
API Well Number: 1711100215
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: La. Gas Lands #16
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79–1082
API Well Number: 1711100214
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: LA. Gas Lands #17
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 7.7 MMcf.

FERC Control Number: JD79–1083
API Well Number: 1711100573
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: LA. Gas Lands #18
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 9.5 MMcF.

FERC Control Number: JD79–1084
API Well Number: 1705520129
Section of NGPA: 103
Operator: Exchange Oil and Gas Corporation
Well Name: Roy L. Smith No. 1
Field: Ridge
County: Lafayette Parrish
Purchaser: United Gas Pipe Line Company
Volume: 876 MMcf.

FERC Control Number: JD79–1085
API Well Number: 1707320068
Section of NGPA: 108
Operator: IMC Exloration Company
Well Name: Rairbanks R.E. #F–70
Field: Monroe Gas Field
Conty: Ouachita
Purchaser: Mid Louisiana Gas Company
Volume: 4.3 MMcf.

FERC Control Number: JD79–1086
API Well Number: 1711121570
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: FEE 124 No. 2
Field: Monroe
County: Union
Purchaser: United Gas Pipe Line Company
Volume: 34 MMcf.

FERC Control Number: JD79–1087
API Well Number: 1711121569
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: FEE 122 No. 2
Field: Monroe
County: Union
Purchaser: United Gas Pipe Line Company
Volume: 22 MMcf.

FERC Control Number: JD79–1088
API Well Number: 711121549
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: FEE 115 No. 2
Field: Monroe
County: Union
Purchaser: United Gas Pipe Line Company
Volume: 24 MMcf.

FERC Control Number: JD79–1089
API Well Number: 1711121548
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: FEE 105 No. 10
Field: Monroe
County: Union
Purchaser: United Gas Pipe Line Company
Volume: 15 MMcf.

FERC Control Number: JD79–1090
API Well Number: 1711121597
Section of NGPA: 103
Operator: Pennzoil Producing Company
Well Name: FEE 105 No. 9
Field: Monroe
County: Union
Purchaser: United Gas Pipe Line Company
Volume: 24 MMcf.

FERC Control Number: JD79–1091
API Well Number: 1706700579
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Young #2—#096788
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas
Volume: #4.0 MMcf.

FECRC Control Number: JD79–1092
API Well Number: None
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Young #3—#097250
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79–1093
API Well Number: 1706700144
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Young #4—100634
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas
Volume: 4.0 MMcf.

FERC Control Number: JD79–1094
API Well Number: 1706700151
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Young #5—#100799
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas
Volume: 4.7 MMcf.

FERC Control Number: JD79–1095
API Well Number: 1706720625
Section of NGPA: 108
Operator: Enerco Exploration & Management Co.
Well Name: Kenyon–Spyker #4—144967
Field: Monroe
County: Morehouse
Purchaser: Southern Natural Gas
Volume: 2.9 MMcf.

FERC Control Number: JD79–976
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: M. Rugg #4
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 1.1 MMcf.

FERC Control Number: JD79–977
API Well Number: 1712720587
Section of NGPA: 102
Operator: Trident Oil and Gas Corporation
Well Name: WX RA SUC; Louisiana Pacific C #9
Field: Sandy Creek
County: Winn
Purchaser: United Gas Pipe Line Company
Volume: 180 MMcf.

FERC Control Number: JD79–978
API Well Number: 1702702114000
Section of NGPA: 108
Operator: Brammer Engineering, Inc.
Well Name: Hoss Sub: Doss Baker #1
Field: Athens
County: Claiborne
Purchaser: Arkansas Louisiana Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79–979
API Well Number: 17–031–20787
Section of NGPA: 103
Operator: Energy Reserves Group, Inc.
Well Name: PET. RA SUBB; Willie Roach #1
Field: Caspiana
County: De Soto
Purchaser: Arkansas Louisiana Gas Company
Volume: 320 MMcf.

FERC Control Number: JD79–980
API Well Number: 17–031–20787
Section of NGPA: 103
Operator: Energy Reserves Group, Inc.
Well Name: ROD RA SUQ; Willie Roach #1–D
Field: Caspiana
County: De Soto
Purchaser: Arkansas Louisiana Gas Company
Volume: 300 MMcf.

FERC Control Number: JD79–981
API Well Number: 1712720577
Section of NGPA: 102
Operator: Trident Oil and Gas Corporation
Well Name: WX RA SUB; Louisiana Pacific C #8
Field: Sandy Creek
County: Winn
Purchaser: United Gas Pipe Line Company
Volume: 180 MMcf.

FERC Control Number: JD79–982
API Well Number: 1712720575
Section of NGPA: 102
Operator: Trident Oil and Gas Corporation
Well Name: WX RA SUA; Louisiana Pacific C #1
Field: Sandy Creek
County: Winn
Purchaser: United Gas Pipe Line Company
Volume: 180 MMcf.

FERC Control Number: JD79–983
API Well Number: 1711320718
Section of NGPA: 107
Operator: The Stone Oil Corporation
Well Name: Exxon Fee No. 7
Field: Lac Blanc
County: Vermilion Parish
Purchaser: Tennessee Gas Pipeline Co.
Volume: 2920 MMcf.

FERC Control Number: JD79–984
API Well Number: 1711101091
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #24
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 3.3 MMcf.

FERC Control Number: JD79–985
API Well Number: 1711101090
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #25
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.7 MMcf.

FERC Control Number: JD79–986
API Well Number: 1711101092
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #26
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 7.7 MMcf

FERC Control Number: JD79–987
API Well Number: 1711101093
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp. #28
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.7 MMcf.

FERC Control Number: JD79–988
API Well Number: 1711101425
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Math Chem. Corp. #3
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 8.0 MMcf.

FERC Control Number: JD79–989
API Well Number: 1711101422
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Math Chem. Corp. #1–0
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 8.4 MMcf.

FERC Control Number: JD79–990
API Well Number: 1711101423
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Math Chem. Corp. #2
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4 MMcf.

FERC Control Number: JD79–991
API Well Number: 1711101138
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp #20
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79–992
API Well Number: 1711101139
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp #21
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 3.7 MMcf.

FERC Control Number: JD79–993
API Well Number: 1711101140
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp #22
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 4.0 MMcf.

FERC Control Number: JD79–994
API Well Number: 1711101089
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Olin Gas Trans. Corp #23
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 0.7 MMcf.

FERC Control Number: JD79–995
API Well Number: 1707300601
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R.E. #51–HSU#820
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 20.0 MMcf.

FERC Control Number: JD79–996
API Well Number: 1707300600
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R.E. #48–HSU#785
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 8.0 MMcf.

FERC Control Number: JD79–997
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R.E. #48
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 5.9 MMcf.

FERC Control Number: JD79–998
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R.E. #47
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 2.4 MMcf.

FERC Control Number: JD79–999
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R.E. #40
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 9.7 MMcf.

FERC Control Number: JD79–1000
API Well Number:
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Fairbanks R.E. #39
Field: Monroe Gas Field
County: Quachita
Purchaser: Mid Louisiana Gas Company
Volume: 3.9 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–10148 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

National Gas Storage Corp.; Application

March 26, 1979.

Take notice that on March 9, 1979, National Gas Storage Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP79–212 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing long-term underground gas storage service to five non-affiliated customer utilities, namely: The Berkshire Gas Company (Berkshire), The Connecticut Gas Company (Connecticut), Manchester Gas Company (Manchester), Southern Connecticut Gas Company (Southern Connecticut), and Valley Gas Company (Valley) (collectively hereinafter referred to as the New Customers), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that National has no existing operations but it has joined with National Fuel Gas Supply Corporation (Supply Corporation) as an applicant in Docket No. CP76–492 *et al.*, as amended. National asserts that Supply Corporation and National sought authorization to render underground gas storage service for non-affiliated customer utilities including acquisitions, construction and abandonments

necessary for development of storage pool facilities having maximum annual top gas storage capacity of 23,500,000 Mcf. It is further stated that both parties sought specific authority to serve ten customers whose requests aggregated 14,850,000 Mcf of the total 23,500,000 Mcf to be available. National states that the above mentioned application is now pending final action by the Commission.

National states that it proposes to render long-term underground gas storage service to New Customers reaching a maximum aggregate top gas amount of 2,495,000 Mcf through facilities proposed in Docket No. CP76–492, *et al.* National asserts that it and Supply Corporation expect to develop such facilities over a three year period from April 1, 1979 through March 31, 1982 during which time, less than full capacity would be available to National's customers. It is stated that available service for the New Customers during the 1980–81 storage year would be apportioned *pro rata* among them before reaching requested service levels in the 1981–82 storage year.

National states that each of the New Customers has executed a precedent agreement with National, pursuant to which, service would be rendered over a fourteen-year period commencing April 1, 1980 in maximum volumes as follows (all volumes in Mcf):

Customer	Annual storage quantity	Maximum daily injection volume [1]	Maximum daily withdrawal volume [1]
Berkshire	260,000	1,733	2,364
Connecticut [2]	1,500,000	10,000	13,636
Manchester	135,000	900	1,227
Southern Conn	150,000	1,000	1,364
Valley	450,000	3,000	4,091
Total	2,495,000	16,633	22,682

[1] Contracted Maximum Daily Injection and Withdrawal Volumes vary according to percent of top gas storage capacity occupied by customer on day of injection or withdrawal. The indicated maxima may be exceeded upon customer request if operating conditions permit.

[2] Connecticut will not require the proposed service if, as contemplated by the parties, it is acquired by Connecticut Natural Gas Corporation ("CNG"), and Old Customer. However, in the event of such acquisition, CNG will succeed to Connecticut's contract rights with National. The aggregate amount of service to CNG and Connecticut will be 3 BCF.

It is asserted that National would render the storage service through its own facilities and, during the development period, through existing capacity of Supply Corporation leased on a short-term basis to National. Necessary transportation service for each New Customer would be performed by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) through existing and new facilities as indicated in the application, it is stated.

Rates for the proposed storage service would be those rates made applicable to the Old Customers in Docket No. CP76–492, *et al.*, and service would be rendered under the same Tariff including Rate Schedule SS–1.

National states that the New Customers propose better to assure gas service to their respective higher priority consumers by injecting into storage gas taken from summertime pipeline supplies for redelivery during winter periods. It is further stated that gas which would otherwise be sold to interruptible customers and used for lower priority purposes during the summer would be made available to enhance continuous service to higher priority customers during the winter when demand fluctuations are greater.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly give.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79–212]

[FR Doc. 79–10162 Filed 4–2–79; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Colorado River Storage Project (CRSP); Proposed Power Rate Adjustment

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of Proposed Power Rate Adjustment for CRSP.

SUMMARY: The Western Area Power Administration is proposing a rate increase of 38 increase for CRSP firm and peaking power. The proposed rate will increase the monthly capacity charge from $1.34 to $1.93 per kilowatt and the energy charge from 3.4 to 4.5 mills per kilowatthour. At 58.2 percent load factor, the proposed rate will increase the composite yield from 6.55 to 9.04 mills per kilowatthour. For contract violations involving unauthorized overruns, the rate will be 10 times the aforementioned basic rate, which is the same multiplier now in effect. A brochure will be distributed to all CRSP customers and other interested parties, and information and comment forums will be held in accordance with the current official procedures for public participation in general rate adjustments. The need for the proposed rate is explained in detail in the brochure.

DATES: As stated in the rate brochure, the proposed rate is needed commencing October 1, 1979. However, in view of the time needed to properly accomplish procedural aspects, the effective date of

the proposed rate is now estimated to be January 1, 1980. Public Information Forums, at which the WAPA will outline the reasons for the rate increase, will be held in Phoenix, Arizona, on April 24, 1979; in Salt Lake City, Utah, on April 25, 1979; and in Denver, Colorado, on April 26, 1979. A Public Comment Forum, at which the public may comment on the proposed rate increase, will be held in Salt Lake City, Utah, on June 26, 1979.

FOR FURTHER INFORMATION: Mr. A. M. Gabiola, Area Manager, Western Area Power Administration, Salt Lake City Area Office, 175 North 2400 West, P.O. Box 11606, Salt Lake City, UT 84147, (801) 524–5493.

SUPPLEMENTARY INFORMATION: Power rates for CRSP are established pursuant to the Department of Energy Organization Act of August 4, 1977 (42 U.S.C. 7101 *et seq.*); Colorado River Storage Project Act (43 U.S.C. 620 *et seq.*); the Reclamation Act of 1902 (43 U.S.C. 372 *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and the acts specifically applicable to the project or system involved.

The Secretary of Energy delegated to the Assistant Secretary for Resource Applications, by Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636 (1978)), and issued December 22, 1978, the authority to develop, acting by and through the Administrators, and to confirm, approve, and place in effect on an interim basis, power and transmission rates for the five power marketing administrations; and to the Federal Energy Regulatory Commission the authority to confirm and approve, on a final basis, or to disapprove such rates. This Order replaced Delegation Order No. 0204–4 (October 1, 1977), which had given certain authority to confirm and approve or to establish rates to the Economic Regulatory Administration.

Procedures for public participation in rate adjustments for power marketed by the WAPA were published in the Federal Register on March 23, 1978 (43 Fed. Reg. 12080 (1978)). Subsequently, however, these procedures were amended on February 7, 1979, to accord with the Delegation Order No. 0204–33. These amendatory procedures titled, "Amendments to Procedures for Public Participation in General Adjustments in Rates for Power Marketed by the Western Area Power Administration," were published at 44 FR 7797 (1979).

Issued on March 13, 1979.

Robert L. McPhail,
Administrator.

[FR Doc. 79–10126 Filed 4–2–79; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1016–EUP–47. Union Carbide Corp., Arlington, Virginia 22202. This experimental use permit allows the use of 840 pounds of the insecticide carbaryl on peanuts and potatoes via sprinkler application to evaluate control of various insects. A total of 180 acres is involved; the program is authorized only in the States of Idaho, New Mexico, and Washington. The experimental use permit is effective from March 9, 1979 to March 9, 1981. Permanent tolerances for residues of the active ingredient in or on peanuts and potatoes have been established (40 CFR 180.169). (PM–12, Room: E–229, Telephone: 202/426–9425)

No. 1016–EUP–48. Union Carbide Corp., Arlington, Virginia 22202. This experimental use permit allows the use of 196 pounds of the insecticide carbaryl on peanuts via sprinkler application to evaluate control of various insects. A total of 60 acres is involved; the program is authorized only in the State of New Mexico. The experimental use permit is effective from March 9, 1979 to March 9, 1981. A permanent tolerance for residues of the active ingredient in or on peanuts has been established (40 CFR 180.169). (PM–12, Room: E–229, Telephone: 202/426–9425)

No. 1016–EUP–49. Union Carbide Corp., Arlington, Virginia 22202. This experimental use permit allows the use of 560 pounds of the insecticide carbaryl on peanuts and field corn via sprinkler application to evaluate control of various insects. A total of 120 acres is involved; the program is authorized only in the State of Georgia. The experimental use permit is effective from March 9, 1979 to March 9, 1981. Permanent tolerances for residues of the active ingredient in or on field corn and peanuts have been established (40 CFR 180.169). (PM–12, Room: E–229, Telephone: 202/426–9425)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Statutory Authority: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: March 28, 1979.

Herbert S. Harrison,
Acting Director,
Registration Division.

[OPP–50409; FRL 1090–5]

[FR Doc. 79–10225 Filed 4–2–79; 8:45 am]
BILLING CODE 6560–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Merit Systems Protection Board; Issuance of Recommended Decisions by Hearing Examiners

On January 1, 1979, responsibility for enforcement of federal equal employment opportunity under Section 717 of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e–16), Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791) and Section 15 of the Age D Discrimination in Employment Act of 1967, as amended (29 U.S.C. 633a) was transferred from the Civil Service Commission to the Equal Employment Opportunity Commission. This transfer was authorized by Reogranization Plan No. 1 of 1978. At the time of the transfer, complaints of employment discrimination were pending at various stages of the administrative process. In some 86 of these cases, hearings had been held, but the hearing examiners (appointed by the Civil Service Commission under 5 CFR 713.218(a)), had not yet issued recommended decisions as contemplated by 5 CFR 713.218(g).

The Equal Employment Opportunity Commission adopted as its own all the Civil Service Commission regulations pertaining to hearing examiners at 29 CFR 1613.218, (43 FR 60901). As a result of the transfer of EEO authority, the Civil Service Commission was thereafter without authority in this area.

The Equal Employment Opportunity Commission and the Merit Systems Protection Board, a successor agency to the Civil Service Commission, have agreed that it would be in the interest of efficiency for the EEOC to delegate to the MSPB the authority to permit the

hearing officers pereviously designated by the Civil Service Commission to issue their proposed decisions on the basis of the hearings already conducted under the authority of the Civil Service Commission's regulations. Such action is consistent with the requirements of Section 715 of Title VII and Executive Order 12067 which require that the EEOC seek to promote efficiency and eliminate duplication in the area of equal employment opportunity. Accordingly, notice is hereby given that on March 27, 1979, the Equal Employment Opportunity Commission, with the assent of the Merit Systems Protection Board, adopted the following delegation of authority.

Delegation

The Equal Employment Opportunity Commission hereby delegates to the Merit Systems Protection Board the authority to issue hearing examiners' recommended decisions for those pending federal employment discrimination cases in which a hearing had been held on or before December 31, 1978, under 5 CFR 713.218 of the Civil Service Commission regulations, but in which recommended decisions had not issued by that date. This delegation is made pursuant to the authority of the Equal Employment Opportunity Commission under Sections 705(g)(1) and 715 of Title VII of the Civil Rights Act of 1964, as amended, Reorganization Plan No. 1 of 1978, Executive Orders 12067 and 12106 and 29 CFR 1613.218 (43 F60901).

For the Commission.

Eleanor Holmes Norton,

Chair.

March 27, 1979.

Signed this 27th day of March 1979.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

Ruth Prokop,

Chair, Merit Systems Protection Board.

[FR Doc. 79-9942 Filed 4-2-79; 8:45 am]

BILLING CODE 6570-06-M
BILLING CODE 6325-01-M

Merit Systems Protection Board; Issuance of Certain Federal EEO Appeals

As of December 31, 1978, the Appeals Review Board of the Civil Service Commission had in its workload some 154 EEO appeals which it had decided and voted upon, under the authority of 5 CFR 713.231 et seq. of the Civil Service Commission's regulations, but which it had not yet issued.

On January 1, 1979, responsibility for enforcement of federal equal employment opportunity under Section 717 of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-16), Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791) and Section 15 of the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 633a) was transferred from the Civil Service Commission to the Equal Employment Opportunity Commission. This transfer was authorized by Reorganization Plan No. 1 of 1978. The Equal Employment Opportunity Commission adopted as its own the Civil Service Commission regulations pertaining to the appeal of federal EEO cases (29 CFR 1613.231, 43 FR 60901). As a result of the transfer of EEO authority the Civil Service Commission was thereafter without authority in this area.

The EEOC and the Merit Systems Protection Board, a successor agency of the Civil Service Commission, have agreed that it would be in the interest of efficiency for the EEOC to delegate to the MSPB the authority to undertake the ministerial acts of issuing the decided appeals. This is appropriate since the appeals had already been decided by the Appeals Review Board of the Civil Service Commission, under then existing authority. Such action is consistent with the requirements of Section 715 of Title VII and Executive Order 12067 which require that the EEOC seek to promote efficiency and eliminate duplication in the area of equal employment opportunity.

Accordingly, notice is hereby given that on March 27, 1979, the Equal Employment Opportunity Commission, with the assent of the Merit Systems Protection Board, adopted the following delegation of authority.

Delegation

The Equal Employment Opportunity Commission hereby delegates to the Merit Systems Protection Board the authority to take the actions necessary to issue decisions in any appeals of the complaints of employment discrimination cases which were decided but not issued by the Appeals Review Board of the Civil Service Commission not later than December 31, 1978. This delegation is made pursuant to the Commission's authority under Sections 705(g)(1) and 715 of Title VII of the Civil Rights Act of 1964, as amended, Reorganization Plan No. 1 of 1978, Executive Orders 12067 and 12106 and 29 CFR 1613.231 (43 FR 60901).

For the Commission.

Eleanor Holmes Norton,

Chair.

March 27, 1979.

Signed this 27th day of March 1979.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

Ruth Prokop,

Chair, Merit Systems Protection Board.

[FR Doc. 79-10095 Filed 4-2-79; 8:45 am]

BILLING CODE 6570-06-M
BILLING CODE 6325-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

Long Term Care Committee Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 92-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Committee will hold a meeting on Tuesday, April 17, from 9:30 a.m. to 12:30 p.m., in Room 703-705 A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The agenda will consist of a discussion with Federal officials on the issues and problems in long term care.

Further information on the Council may be obtained from the FCA Secretariat, Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441. FCA meetings are open for public observation.

Dated: March 22, 1979.

Nelson H. Cruikshank,

Chairman, Federal Council on the Aging.

[FR Doc. 79-10129 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-92-M

FEDERAL TRADE COMMISSION

Grant of Early Termination of Waiting Period of the Premerger Notification Rules to Joel W. Greenberg

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Joel W. Greenberg is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to his proposed acquisition of certain voting securities of Bluebird Incorporated. The grant was made by

the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Joel W. Greenberg. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 28, 1979.

FOR FURTHER INFORMATION CONTACT: Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202–523–3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act. 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79–10233 Filed 4–2–79; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Babcock & Wilcox, Limited is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of Crane Hoist Engineering Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both Babcock & Wilcox, Limited and Crane Hoist Engineering Corp. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 28, 1979.

FOR FURTHER INFORMATION CONTACT: Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 384, Federal Trade Commission, Washington, D.C. 20580, (202–523–3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79–10232 Filed 4–2–79; 8:45 am]

BILLING CODE 6750–01–M

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 March 28, 1979. 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 coments on the proposed CFTC 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 April 20, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Commodity Futures Trading Commission

The CFTC requests clearance of Special Calls by the Commission for futures position information on traders who hold 5 or more contracts in any one future of the coffee "C" contract traded on the New York Coffee and Sugar Exchange on May 15, 1979, and on August 15, 1979. Potential respondents are Futures Commission Merchants, Clearing Members of the New York Coffee and Sugar Exchange, and Foreign Brokers. The CFTC estimates that respondents will number approximately 54 and that reporting burden will average 10 minutes for each call.

The CFTC on October 31, 1978, pursuant to Part 21 of the regulations under the Commodity Exchange Act, 17 CFR Part 21 (1977) issued a Special Call concerning Coffee "C" futures traded on the New York Coffee and Sugar Exchange. Although the forms for the Special Call for May 15, 1979, will be mailed May 1, 1979, this mailing date is contingent with CFTC's compliance with 44 U.S.C. 3512 which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information is not presently available from other Federal sources and that the proposed report forms are consistent with the provisions of section 3512. This notice represents the beginning of our review.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 79–10214 Filed 4–2–79; 8:45 am]

BILLING CODE 1610–01–M

GENERAL SERVICES ADMINISTRATION

Federal Property Management Regulations; Delegation of Authority

March 22, 1979.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Missouri Public Service Commission involving the application of the SHO–ME Power Corporation for a rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 22, 1979.

Paul E. Goulding,

Acting Administrator of General Services.

[Temp. Reg. E–62]

[FR Doc. 79–10066 Filed 4–2–79; 8:45 am]

BILLING CODE 6820–66–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Shellfish; Memorandum of Understanding With Iceland

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding (MOU) with Iceland concerning shellfish safety. The purpose of the memorandum is to set forth cooperative working arrangements to ensure that fresh and frozen shellfish exported to the United States are safe and wholesome and meet U.S. requirements.

DATE: The agreement become effective December 28, 1978.

FOR FURTHER INFORMATION CONTACT: Gary Dykstra, Compliance Coordination and Policy Staff (HFC–13), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the **Federal Register** of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the **Federal Register**, the Commissioner of Food and Drugs is issuing the following memorandum of understanding:

Memorandum of Understanding Between the Food and Drug Administration, Department of Health, Education, and Welfare, United States of America and the Ministry of Fisheries, Government of Iceland

The Ministry of Fisheries of Iceland and the Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare of the United States of America affirm by this document their intention to cooperate in assuring that fresh and fresh frozen oysters, clams, and mussels exported to the United States are safe, wholesome, and have been harvested, transported, processed, and labeled in accordance with the provisions of the National Shellfish Sanitation Program (NSSP) and requirements of the Federal Food, Drug, and Cosmetic Act.

I. Terms

For purposes of this Memorandum, both parties agree to the following definitions:

Lot—A collection of primary containers of units of the same size, type, and style, produced under conditions as nearly uniform as possible, designated by a common container code or marking, and in any event, no more than a day's production.

Central file—The single location where shellfish control program information, data, and reports are stored and maintained.

Coliform group—All of the aerobic and facultative anaerobic, gram-negative, nonsporeforming bacilli which ferment lactose with gas formation within 48 hours at 35° C.

Fecal coliform group—Any bacteria gas defined under the coliform group which will produce gas in *E. coli* medium within 24 hours at 44.5° C (+0.2°) in a water bath.

Bait shellfish—Shucked shellfish labeled and intended for bait fuse only; not for human consumption.

Shellfish—All edible species of molluscan bivalves except scallop species from the family Pectinidae. Only molluscan bivalves that are offered for entry into the United States as fresh or frozen products are intended for coverage under this Memorandum of Understanding.

Marine biotoxins—Natural toxins produced by marine dino-flagellates such as *Gonyaulax catenella, Gonyaulax tamarensis,* and *Gymnodinium breve* and concentrated by shellfish during the feeding process.

II. Food and Drug Administration and Ministry of Fisheries

A. Both parties agree to provide information concerning proposed changes in the following:

1. Methods and procedures for sampling.
2. Methods of analysis.
3. Methods of confirmation.
4. Administrative guidelines, tolerance, specification standards, and nomenclature.
5. Reference standards.
6. Inspectional procedures.

B. Both parties agree to inform each other on a timely basis of the following:

1. Proposed modification of existing Federal or local regulations.
2. Proposed new Federal regulations.
3. Proposed new legislation.
4. Proposed modifications to the National Shellfish Sanitation Program.

C. Both parties agree to name a liaison officer who will coordinate all matters relating to this Memorandum. The liaison officers will be responsible for facilitating exchanges of information and expeditiously informing other interested parties within their respective countries on shellfish control problems requiring prompt attention. Each party agrees to provide notification of any changes in liaison officer appointments. Such notification shall constitute and amendment to, and not require a revision of, this agreement.

The Iceland liaison officer is: Thordur Asgeirsson, Deputy Secretary General.

The FDA liaison officer is: J. David Clem, Chief, Shellfish Sanitation Branch.

D. Both parties agree that the working language for documents exchanged under this Memorandum shall be in English.

III. Ministry of Fisheries

A. The Ministry of Fisheries agrees to classify its shellfish harvesting water in accordance with the procedures and standards set forth in the National Shellfish Sanitation Program (NSSP). The Ministry of Fisheries will assure that only fresh and fresh frozen shellfish harvested from areas which meet NSSP approved water quality and marine biotoxin standards and processed accordance to NSSP guidelines will be exported to the United States.

B. The Ministry of Fisheries agrees to inspect harvesting, transporting, and processing operations of fresh and fresh frozen shellfish at sufficient frequency to assure compliance with the NSSP sanitary control practices.

C. The Ministry of Fisheries agrees to issue certifications only to those fresh and fresh frozen shellfish shipping firms that comply with NSSP recommended practices and to notify FDA of the name, location, and certification number of these firms on Form FD–3038b "Shellfish Certification." To cancel a firm's certification, the Ministry of Fisheries will send a completed Form FD–3038c "Certification Cancellation" to FDA.

D. The Ministry of Fisheries agrees to require all containers of all lots of fresh and fresh frozen shellfish exported to the United States of America to be identified by lot number and certification number, together with all other information required by the Federal Food, Drug, and Cosmetic Act.

E. The Ministry of Fisheries agrees to facilitate joint inspections by FDA and Ministry of Fisheries officials of Iceland's certified fresh and fresh frozen shellfish processing firms, approved growing waters, and related harvesting and handling practices. Such inspections will be made on an annual basis or at a frequency deemed appropriate to determine that the Ministry of Fisheries shellfish sanitation control program is equivalent to the NSSP recommended practices and that only safe and wholesome fresh and fresh frozen shellfish are being exported to the United States.

F. The Ministry of Fisheries agrees to make travel arrangements for, and pay transportation expenses of, the FDA inspection team while the team is conducting inspections within Iceland.

G. The Ministry of Fisheries agrees to participate to the maximum extent possible in FDA's laboratory quality assurance programs. These may include:

1. Participation in the analysis of split samples of:

a. Seawater of shellfish meats for indicator bacteria or pathogens.

b. Shellfish meats for heavy metals or other chemical or radionuclide contaminants as may be necessary.

2. The evaluation of new methods and procedures, including reagents, media, or other materials and instruments and equipment performance.

H. The Ministry of Fisheries agrees to the establishment of a central office within Iceland to collate and maintain a central file of laboratory results, including routine monitoring data and data from quality assurance programs. Standard formats for collecting and reporting data will be used.

I. If lots of shucked shellfish are imported into the United States for use as bait, the Ministry of Fisheries will assure that each container is labeled "Not for human use" and the contents are decharacterized by use of a permanent colored dye.

J. Promulgation and enforcement of regulations governing the growing, harvesting, processing, and shipment of fresh or frozen shellfish produced by Iceland for export to the United States are the sole responsibility of the Ministry of Fisheries.

K. The Ministry of Fisheries cannot be held liable for damages resulting from defects or noncompliance of Icelandic fresh or fresh frozen shellfish products produced under the provisions of this MOU.

IV. Food and Drug Administration

A. FDA agrees to publish the names, locations, and certification numbers of certified firms submitted by the Ministry of Fisheries. These firms will appear in the monthly Interstate Certified Shellfish Shippers List.

B. Upon request FDA will provide limited training to technical personnel in laboratory procedures, classification of shellfish growing areas, and inspection and administrative procedures.

C. Whenever Icelandic shellfish are detained by FDA due to noncompliance with NSSP agreed upon practices or applicable laws or regulations, FDA will inform the Ministry of Fisheries of the reason or reasons for the detention. This information will include:

1. Commodity lot and certification number.
2. Name and address of the shipper.
3. Reason for the detention.
4. Sampling procedure.
5. Methods of analysis and confirmation.
6. Administrative guidelines.

D. FDA agrees to make travel arrangements for, and pay round trip transportation expenses of, its inspection team between the United States and Iceland. FDA will also pay all per diem of the inspection team.

V. National Shellfish Sanitation Program

Upon signing this agreement, the Ministry of Fisheries becomes an active participating member of the National Shellfish Sanitation Program (NSSP). As a full member of the NSSP, the Ministry of Fisheries may participate in national workshops, cooperative research programs, seminars, training courses, and other activities designed for the timely exchange of technical information, assistance, and joint resolution of problems confronting the NSSP. The Ministry of Fisheries may also:

A. Participate in a joint evaluation of the United States program as it pertains to shellfish exports to Iceland.

B. Make recommendations for changes and improvements in NSSP guidelines, methods, and standards.

C. Be advised by FDA in the event a State or local food control official questions the certification, safety, or wholesomeness of Iceland's imported shellfish. FDA will, if so informed, seek to determine the reason for the problem and inform the Ministry of Fisheries of any action taken relative to State and local laws or regulations governing such shellfish imports.

References [1]

1. U.S. Department of Health, Education, and Welfare, Public Health Service, National Shellfish Sanitation Program, Manual of Operations: Part I *Sanitation of Shellfish Growing Areas*, 1965 Revision; Part II *Sanitation of the Harvesting and Processing of Shellfish*, 1965 Revision; Part III *Public Health Service Appraisal of State Shellfish Sanitation Program*, 1965 Revision, PHS Publication No. 33.

2. "Official Methods of Analysis", 12th Ed., Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044, 1975.

3. Food and Drug Administration, "Interstate Certified Shellfish Shippers List," published monthly and distributed to food control officials and other interested persons by FDA, Bureau of Foods, Shellfish Sanitation Branch (HFF-417), 200 C St. SW., Washington, D.C. 20204.

4. Federal Food, Drug, and Cosmetic Act, as amended, United States Code, Title 21.

5. Fair Packaging and Labeling Act, Pub. L. 89-755, approved November 3, 1966.

6. American Public Health Association, "Recommended Procedures for the Examination of Seawater and Shellfish," 4th Ed., 1970, APHA, Inc., 1015 18th St. NW., Washington, DC 20036.

7. Food and Drug Administration, "Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding Human Food" regulations, 21 CFR Part 110.

8. Food and Drug Administration, Definitions and Standards for Food, "Fish and Shellfish" regulations, 21 CFR Part 161.

Both parties agree that this memorandum shall become effective on the date it is signed by both parties. It shall remain in effect, and govern all fresh and fresh frozen shellfish exported to the United States of America, pending revision or revocation at the request of either agency. Upon signature of both parties, this Memorandum of Understanding will be published in the **Federal Register**. A copy of the Memorandum will be available for public review at the office of the Hearing Clerk [HFA-305], Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

In witness whereof, the agencies have executed this Memorandum.

[1] Filed as part of the original document.

Dated: October 25, 1978.

Jon L. Arnalds,
Secretary General, Iceland Ministry of Fisheries.

Dated: December 28, 1978.

Donald Kennedy,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare.

Effective date. This Memorandum of Understanding became effective December 28, 1978.

Dated: March 27, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FDA-225-79-4008]

[FR Doc. 79-10067 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MIT Nitrite Chronic Toxicity Studies; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a public meeting to obtain advice from interested scientists on the histopathologic diagnostic criteria to be applied by expert pathologists in the process of diagnosing malignant tumors and related conditions (e.g., malignant lymphomas, immunoblastic cellular proliferation, sarcomas including hemangiosarcoma, etc.). These criteria are being developed as part of a review by the Universities Associated for Research and Education in Pathology, Inc., (UAREP) of the animal studies on nitrite conducted by Dr. Paul M. Newberne at the Massachusetts Institute of Technology.

DATE: The meeting will begin at 9 a.m., April 19, 1979.

ADDRESS: The meeting will be held in the Skyview Room, Ramada Inn, 8400 Wisconsin Ave., Bethesda, MD.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth M. Endicott, Executive Officer, Universities Associated for Research and Education in Pathology, Inc., 9650 Rockville Pike, Bethesda, MD 20014, 301-530-7130.

SUPPLEMENTARY INFORMATION: Under contract to FDA, Dr. Paul M. Newberne of the Massachusetts Institute of Technology conducted two studies involving the feeding of nitrite to rats. The first feeding study was designed to explore whether or not the simultaneous feeding of nitrite with morpholine resulted in in vivo nitrosation to the

known carcinogen *N*-Nitrosomorpholine. When nitrite alone was fed as a control, Dr. Newberne reported preliminary findings suggesting that an increased incidence of lymphoma was related to the nitrite feeding. Subsequently, FDA contracted with Dr. Newberne to perform a much larger feeding study to explore whether or not nitrite feeding per se would be associated with an increased incidence of cancer, such as lymphoma. The results of that study, which suggest that nitrite may induce cancer of the lymphatic system in test animals, were reported to FDA by Dr. Newberne in May of 1978. A notice of the availability of that report was published in the **Federal Register** of August 18, 1978 (43 FR 36697).

In August of 1978, the Interagency Working Group on Nitrite Research was established by the Bureau of Foods, FDA, to review and evaluate the chemistry, toxicology, and pathology considerations relevant to Dr. Newberne's experiments and to recommend additional research. The preliminary results of that suggest that substantial disagreement among reputable pathologists in interpreting the diagnostic findings in the Newberne study may exist. Consequently, an FDA contract has been let with UAREP to perform a complete review of the pathology findings reported by Dr. Newberne in his second study, along with a similar review of relevant animal data from Dr. Newberne's first study.

As part of this review, UAREP has selected a standing "Joint Committee of Experts" (JCE), representing the best available North American experts in relevant areas of experimental veterinary and medical pathology, to develop the diagnostic criteria appropriate to such pathology diagnoses as benign or malignant tumors, lymphoma, lymphosarcoma, immunoblastic lesions, specific categories of sarcomas, and other lesions considered appropriate to this review. To aid in the development of these diagnostic criteria, JCE is soliciting viewpoints of interested parties by holding a public meeting. Written comments will also be accepted for a period of 15 days beyond the date of the public meeting.

The public meeting will begin at 9 a.m., April 19, 1979, in the Skyview Room, Ramada Inn, 8400 Wisconsin Ave., Bethesda, MD. The meeting will be co-chaired by Dr. Kenneth Endicott, Principal Investigator, UAREP, and Dr. Kenneth Brinkhous, co-investigator, UAREP.

Persons who desire to make presentations should notify Dr. Kenneth Endicott at the address and phone number given above by the close of business April 13, 1979, and indicate the amount of time needed for their presentations and whether they will need projection equipment. Persons who are unable to appear in person on April 19, 1979, but who wish to contribute, may submit data, information, and views in writing to Dr. Endicott by the close of business May 4, 1979.

Dated: March 30, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-0276]

[FR Doc. 79-10258 Filed 3-30-79 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Blood Diseases and Resources Advisory Committe; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, May 7 and 8, 1979, National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 AM-5:00 PM, May 7, and from 8:30 AM-4:30 PM, May 8, 1979, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone: (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 514, National Institutes of Health, Bethesda, Maryland, 20205, phone: (301) 496-1817, will furnish substantive program information.

Dated: March 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR 79-10087 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, May 14-15, 1979, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 14 from 9:00 a.m. to 5:00 p.m. and May 15 from 9:00 a.m. to 10:00 a.m. with current status reports, review of the Development Biology and Nutrition Program, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 15 from 10:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A-04, National Instututes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health.)

[FR Doc. 79-10081 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on May 22-23, 1979, in Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until recess on May 22, 1979. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will

be closed to the public on May 23, 1979 from 9:00 a.m. until adjournment for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Suzanna Porter, Council Secretary, National Institute on Aging, Building 31, Room 5C–05, National Institutes of Health, Bethesda, Maryland, 20014, (Area Code 301, 496–5345), will furnish substantive program information.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

[FR Doc. 79–10076 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–08–M

National Dental Research Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on May 21–22, 1979, in Building 30, Room 117, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on May 22 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on May 21, from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Dorothy M. Curtis, Administrative Officer, National Institute of Dental Research, National Institutes of Health, Building 31C, Room 2C–36, Bethesda, MD 20014 (phone 301 496–6705), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program Nos. 13–840 thru 13–845, and 13–878, National Institutes of Health.)

[FR Doc. 79–10075 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Neurological and Communicative Disorders and Stroke Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, May 24, 25 and 26, 1979, at 9 a.m. in Building 31–C, Conference Room 6, Bethesda, Maryland 20205. The meeting will be open to the public from 9 a.m. until 11:30 a.m. on May 24, 1979, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 11:30 a.m. on May 24, 1979, until the conclusion of the meeting that day, and from 8:30 a.m. until 6 p.m. on May 25 and 26, 1979, for review, discussion and evaluation of Research Grant applications and applications for Teacher-Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland 20205, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496–9248, will furnish substantive program information.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

[FR Doc. 79–10077 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee, May 14, 1979, at 8:30 a.m., in the Georgia Room, The Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20205. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on May 14, 1979, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10:30 a.m. on May 14, 1979, to adjournment on May 14, 1979. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland 20205, telephone: (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 1020C, Federal Building, NIH, NINCDS, Bethesda, Maryland 20205, telephone: (301) 496–9234, will provide substantive program information.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

(Catelog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

[FR Doc. 79-10080 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-08-M

National Arthritis, Metabolism, and Digestive Diseases Advisory Council; meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council and its subcommittees on May 17-18, 1979, in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 12:30 p.m. the first day to discuss administrative reports. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meetings of the Digestive Diseases Subcommittee; the Arthritis, Bone and Skin Diseases Subcommittee; the Diabetes, Endocrine, and Metablic Diseases Subcommittee; and the Kidney, Urologic and Blood Diseases subcommittee; will be closed on May 17 from 1:30 p.m. to closing, Building 31, exact room assignments to be announced later, for the review, discussion and evaluation individual grant applications. On May 18 the full Council meeting will be closed from 8:30 a.m. to adjournment, for the review, discussion and evaluation of research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Metabolism, and Digestive Diseases, Westwood Building, Room 637, Bethesda, Maryland 20014, (301) 496-7277.

Mr. James N. Fordham, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.846-850, National Institutes of Health.)

[FR Doc. 79-10082 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-08-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on May 8, 1979, 6:30 p.m., in the Brent I Room of the Old Town Holiday Inn, 480 King Street, Alexandria, Virginia.

The meeting, which will be open to the public is being held to continue review of the status and implementation of national diabetes programs and to prepare for the board's public hearing on May 9, 1979, which was published in the **Federal Register**, March 19, 1979, 44 FR 16498.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

[FR Doc. 79-10084 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-08-M

Physicians Education in Cancer Nutrition; Meeting

Notice is hereby given of the workshop on Physicians Education in Cancer Nutrition sponsored by the National Institutes of Health, National Cancer Institute, Nutrition Program, Office of the Director, and the Clinical Manpower Branch, Division of Cancer Research, Resources and Centers, June 4 and 5, 1979, at the National Institutes of Health, Building 31, Conference room 6, Bethesda, Maryland 20205.

This meeting will be open to the public on June 4 and 5 at 8:30 a.m. until adjournment, to discuss physician education in diet and nutrition as they relate to cancer. 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, Maryland 20205, (301) 496-7761, will provide additional information.

Dated: March 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-10078 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-08-M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, April 19, 20, 1979, Conference Room 7, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on April 19, 1979, from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 920-463, the meeting will be closed to the public on April 19, 1979, from 9:30 a.m. until adjournment on April 20, 1979, for the review, discussion and evaluation of individual grant applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secetary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20205, phone (301) 496-7351, will furnish substantive program information.

Dated: March 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health.)

[FR Doc. 79-10008 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-08-M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, April 25, 26, 27, 1979, Adams

Room, Chevy Chase Holiday Inn, Chevy Chase, Maryland.

This meeting will be open to the public on April 25, 1979, from 8:00 a.m. to approximately 9:00 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 25, 1979, from 9:00 a.m. until adjournment on April 27, 1979, for the review, discussion and evaluation of individual grant applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7351, will furnish substantive program information.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health.)

[FR Doc. 79–10086 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–08–M

Tumor Immunology Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Tumor Immunology Committee, National Cancer Institute, May 7–8, 1979, Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland 20205. The meeting will be open to the public on May 7, from 9:00 a.m. to 9:30 a.m., to review administrative details. Attendence by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 7, from 9:30 a.m. to adjournment, and on May 8, from 9:00 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Majorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Clarice E. Gaylord, Executive Secretary, National Cancer Institute, Westwood Building, Room 810, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7628) will furnish substantive program information.

Dated: March 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.395, National Institutes of Health.)

[FR Doc. 79–10083 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

Swiss Village East; Proceedings and opportunity for Hearing

In the matter of Swiss Village East, Antrim County, Midwest Resort Properties, Inc. and Paul T. Lahti, Jr., President, Respondent; OILSR No. 0–2263–26–32 and (A); Land Sales Enforcement Division No. 78–50–IS.

Notice is hereby given that; on or about October 17, 1978 the Department of Housing and Urban Development, Office of Interstate Land Sales Registration attempted to serve upon Paul T. Lahti, Jr., President Midwest Resort Properties, Inc., East Torchlake Drive, Route 1, Bellaire, Michigan 49615, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not possible since the addressee could not be located. Therefore, in accordance with 44 U.S.C. 1508, the Department is publishing herewith this Notice of Proceedings and Opportunity for Hearing in order to effect constructive notice upon the persons listed above. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Notice of Proceedings and Opportunity for Hearings is being issued as follows:

The Secretary in administering the Interstate Land Sales Full Disclosure Act of 1968, 15 U.S.C. 1701, *et seq.*, and its Regulations finds her public files disclose that:

A. Respondent is a corporation organized under the laws of the State of Michigan and has its principal office in Bellaire, Michigan.

B. Paul T. Lahti, Jr., is President of the Corporation.

C. The mailing address of the Respondent's last known office or place of business is East Torchlake Drive, Route 1, Bellaire, Michigan 49615.

D. Respondent, Midwest Resort Properties, Inc., has filed a Statement of Record and Property Report for Swiss Village East, Units I–III located in Antrim County, Michigan, which became effective on June 12, 1972 and remains effective, and a consolidated Statement of Record for Swiss Village East Unit IV which became effective on February 1, 1973 and remains effective.

The Office of Interstate Land Sales Registration (OILSR) from its records or from other sources has obtained information which tends to show, and it so alleges that the Statement of Record and Property Report of the subdivision captioned above includes untrue statements of material fact or make statements therein not misleading, to wit:

1. Respondent has failed to disclose, pursuant to 24 CFR 1710.105, Part II C 1 that the Michigan Department of Commerce has revoked the corporate charter of Midwest Resort Properties, Inc., and that the corporation no longer exists as a legal entity.

2. Respondent has failed to disclose, pursuant to 24 CFR 1710.105, Part II C 3, numerous lawsuits filed against Respondent, a complete list of which is contained in an exhibit, designated "Exhibit 1", which is attached hereto and made a part hereof.

III

In view of the allegations contained in Part II above, the Secretary will provide an opportunity for a public hearing to determine:

A. Whether the allegations set forth in Part II are true and in connection therewith to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the Interstate Land Sales Full Disclosure Act.

IV

If the Respondent desires a hearing, he shall file a request for hearing accompanied by an answer within 15 days after service of this Notice of Proceedings. Respondent is HEREBY NOTIFIED that if he fails to file a response pursuant to 24 CFR 1720.240 and 1720.245 within 15 days after service of this Notice of Proceedings, Respondent shall be deemed in default, and the proceedings shall be determined against him, the allegations of which shall be determined to be true, and an ORDER suspending the Statement of Record will be issued. The said ORDER shall remain in effect until the Statement of Record and Property Report have been amended in accordance therewith, and thereupon the order shall cease to be effective.

V

Any request for hearing, answer, motion, amendment to pleadings, offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10278 HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410. All such papers shall clearly identify the type of matter and the docket number as set forth in this Notice of Proceedings.

VI

It is hereby ordered That upon request of the Respondent a public hearing for the purpose of taking evidence on the questions set forth in Part III hereof be held before Administrative Law Judge W. Mast or other Administrative Law Judge HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410, at 10:00 a.m. on the 30th day after receipt of the answer or at such time as the Secretary or her designee may fix by further order.

This Notice of Proceeding shall be served upon the Respondent pursuant to 24 CFR 1720.170.

Issued in Washington, D.C.
Dated:

Patricia M. Worthy,
Administrator, Interstate Land Sales Registration.

Exhibit "1"

Civil actions filed in the Circuit Court for Antrim County, Michigan against Midwest Resort Properties, Inc, Paul T. Lahti, Jr. and others both jointly and severally

Date filed, plaintiff, complaint, and disposition

1244—10/22/73—Cameron Bros. for foreclosure on mechanic's lien; judgement for $1515. ordered 3/20/75.

1260—7/17/74—Bellaire State Bank; for determination of the priority of liens; summary judgement for sale of property and payment of $57,044. plus costs ordered 6/12/74.

1282—1/24/74—John Meeske; for damages; default judgement for $20,000. plus costs ordered 5/12/74.

1337—6/10/74—Wilfred Walters Jr; for damages; default judgment for $89,697 plus cost ordered 8/13/74.

1355—8/2/74—Consumers Power Company; for enforcement of order for payment of $5,025. ordered 6/3/74 by 87th Judicial District Court; Dismissed for lack of progress.

1357—8/19/74—Michigan National Bank; for determination of equitable owner and deficiency judgements on individual lots; sale of lots ordered and made 4/14/75.

1372—9/16/74—Michigan National Bank; for foreclosure on blanket mortgage and sale of development; judgement of foreclosure filed 1/15/76; sale of development took place at the court house door on 3/19/76 for outstanding debt of $372,346. Development area transfered by Sheriff's deed to Michigan National Bank.

1382—10/23/74—Michigan National Bank; for foreclosure on land contract (outstanding balance of $154,232.); contract determined to be void, plantiff recovered $2,075. from BFC Trust.

1502—8/5/75—Thomas Kornowski; for enforcement of judgement of $2,537 ordered by the Circuit Court for the County of Oakland; Dismissed for lack of progress.

1573—5/2/76—Paul T. Lahti Sr. et ux; for judgment on default on promissory note; judgement for $75,833. ordered 5/27/76.

[Docket No. N-79-918]

[FR Doc. 79-10069 Filed 4-2-79; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary.

Delegation of Authority

AGENCY: Department of Housing and Urban Development Office of Neighborhoods, Voluntary Associations and Consumer Protection.

ACTION: Notice of Delegation of Authority.

SUMMARY: This Delegation of Authority places the new development and administrative functions and exclusive responsibility for administering the Neighborhood Self-Help Development and Livable Cities Programs with the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Joseph McNeely, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Room 4232, Washington, D.C. 20410 (202) 755-8227.

or

Kathy Dexter, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Room 4100, Washington, D.C. 20410 (202) 755-0950.

SUPPLEMENTARY INFORMATION: On October 15, 1978, the President approved the Neighborhood Self-Help Development Act and the Livable Cities Act, contained in Titles VII and VIII respectively, of the Housing and Community Development Amendments of 1978, Pub. L. 95-557.

In order to achieve the most appropriate management of the funds authorized under Titles VII and VIII of the Housing and Community Development Amendments of 1978, the power and authority of the Secretary with respect to the Neighborhood Self-Help Development and Livable Cities Programs are delegated to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection. The Assistant Secretary is further authorized to redelegate any of such authority to employees of the Department.

Accordingly, the Secretary delegates as follows:

Section A. Authority delegated. There is hereby delegated to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection all the power and authority for the development of the rules and regulations and the administration of programs developed under the Neighborhood Self-Help Development and the Livable Cities Acts, Titles VII and VIII respectively, of the Housing and Community Development Amendments of 1978, Public Law 95-557.

Section B. Authority to redelegate. The Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection is authorized to redelegate to employees of the Department any of the power and authority delegated under Section A of this delegation, except the authority to issue rules and regulations.

Issued at Washington, D.C. on March 28, 1979.

Patricia Roberts Harris,
Secretary, Department of Housing and Urban Development.

[Docket No. D-79-559]

[FR Doc. 79-10130 Filed 4-2-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska; Proposed Withdrawal of Land

On March 9, 1979, the U.S. Department of Agriculture filed an

application for the withdrawal of lands described below, subject to valid existing rights, from settlement, sale, location, or entry (except exchange) under the public land laws, including section 6 of the Alaska Statehood Act, 72 Stat. 339, location and entry under the general mining laws, 30 U.S.C., Ch. 2, leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181–287, and from all other forms of entry or disposal:

Tongass National Forest

Copper River Meridian

T. 36 S., R. 63 E.,
Sec. 17;
Sec. 20;
Sec. 21, W½W½;
Sec. 29;
Sec. 32.
T. 37 S., R. 63 E.,
Sec. 1.
T. 50 S., R. 76 E.,
Sec. 31;
Sec. 32.
T. 51 S., R. 74 E.,
Sec. 2, S½;
Sec. 10;
Sec. 11;
Sec. 12, S½;
Sec. 13;
Sec. 14;
Sec. 23;
Sec. 24;
Sec. 25.
T. 51 S., R. 75 E.,
Sec. 1;
Sec. 2, NE¼, S½;
Sec. 3, SE¼;
Sec. 7, S½, NW¼;
Sec. 8, S½;
Secs. 9 through 23;
Sec. 24, NW¼;
Sec. 26, W½;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, NW¼NW¼;
Sec. 31, S½;
Sec. 32 through 35.
T. 51 S., R. 76 E.,
Sec. 5;
Sec. 6.
T. 52 S., R. 74 E.,
Sec. 1;
Sec. 12;
Sec. 13.
T. 52 S., R. 75 E.,
Sec. 4;
Sec. 5, N½;
Sec. 6;
Sec. 7;
Sec. 8, NE¼;
Sec. 9, N½;
Sec. 18, SW¼;
Sec. 19;
Sec. 20;
Sec. 21, NE¼, S½;
Sec. 22;
Sec. 26;
Sec. 27;
Sec. 28.
T. 52 S., R. 76 E.,
Sec. 26, S½;
Sec. 27, SE¼SE¼;
Sec. 34, E½;
Sec. 35;
Sec. 36.
T. 52 S., R. 77 E.,
Sec. 19, SE¼SE¼;
Sec. 20, S½S½, S½N½SW¼;
Sec. 29;
Sec. 30, S½, SW¼NE¼;
Sec. 31, W½;
Sec. 32, N½.
T. 53 S., R. 77 E.,
Sec. 2;
Sec. 3, N½;
Sec. 4, NW¼NE¼, N½NW¼.

The areas described aggregate approximately 27,774 acres more or less.

The applicant desires that the lands be withdrawn to protect the status of these lands pending consummation of the "Goldbelt" exchange.

On or before May 14, 1979, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to Curt McVee, State Director, Bureau of Land Management, 701 "C" Street, Box 13, Anchorage, Alaska 99513.

Pursuant of section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that a public hearing will be afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request to be heard to the Alaska State Director at the address shown above. Notice of the public hearings will be published in the **Federal Register**, giving the time and place of such hearing.

The Department's regulations at 43 CFR Section 2351.4(c) provide, in part, that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register.**

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the above described lands will be segregated from location, selection, and entry to the extent that the withdrawal applied for, if effected, would prevent such forms of disposal, unless the application is rejected or the withdrawal is approved prior to that date.

All communications in connection with this proposed withdrawal should be addressed to the Alaska State Director at the above address.

March 29, 1979.

Arnold E. Petty,

Acting Associate Director.

[FR Doc. 79-10123 Filed 4-2-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With Oroville-Tonasket Irrigation District, Chief Joseph Dam Project, Washington; Intent to Begin Repayment Contract Negotiations

The Department of the Interior, through the Bureau of Reclamation, intends to open negotiations with Oroville-Tonasket Irrigation District, Oroville, Washington, for the repayment of costs associated with the construction of new facilities and rehabilitation or enlargement of existing facilities of the Oroville-Tonasket Unit, Okanogan-Similkameen Division, Chief Joseph Dam Project, Washington. The proposed construction program was authorized by Title II of Public Law 94–423, enacted September 28, 1976. Under the law, the district must contract to repay an appropriate share of the construction cost, commensurate with payment ability, over a 50-year period. Estimated costs of construction and rehabilitation of the project is $48.5 million (July 1978 prices).

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must identify the contract in which the party is interested. They should be addressed to the Regional Director, Attention Code 440, Bureau of Reclamation, P.O. Box 043, Boise, Idaho 83724.

A proposed draft contract will be made available for public review. Thereafter, a 30-day period will be allowed for receipt of written comments from the public.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Mr. Richard M. Rigby, Contract and Repayment Specialist, Division of Water, Power, and Lands, attention: Code 440, Bureau of Reclamation, P.O. Box 043, Boise, Idaho 83724, telephone (208) 384–1163.

Dated: March 27, 1979.

R. Keith Higginson,

Commissioner

[FR Doc. 79-10128 Filed 4-3-79; 8:45 am]

BILLING CODE 4310-09-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 23, 1979. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by April 13, 1979.

Ronald M. Greenberg,
Acting Keeper of the National Register.

ALABAMA

Clarke County

Grove Hill, *Alston-Cobb House*, 120 Cobb St.

CALIFORNIA

Toulumne County

Yosemite National Park, *Parsons Memorial Lodge*, Tuolumne Meadows.

CONNECTICUT

Fairfield County

Greenwich, *Putnam Hill Historic District*, U.S. 1.

Hartford County

Enfield, *Enfield Shakers Historic District*, Shaker, Taylor, and Cybulski Rds.

Litchfield County

Canaan, *Falls Village District*, CT 126.

New London County

Mystic, *Pequotsepos Manor (Denison Homestead)* Pequotsepos Rd.
Noank, *Noank Historic District*

Tolland County

Mansfield, *Mansfield Hollow Historic District*, 86–127Mansfield Hollow Rd.

DELAWARE

New Castle County

Wilmington, *Quaker Hill Historic District*, roughly bounded by Tatnall, Jefferson, 2nd and 7th Sts.

FLORIDA

Dade County

Miami Beach, *Miami Beach Architectural District*, roughly bounded by Atlantic Ocean, Miami Beach Blvd., Alton Rd., and Collins Canal.

GEORGIA

Clarke County

Athens, *Dearing, Albin P., House*, 338 S. Milledge Ave.

IDAHO

Bannock County

Pocatello, *Brady Memorial Chapel*, Mountain View Cemetery.
Pocatello, *Church of the Assumption*, 528 N. 5th Ave.

Bingham County

Blackfoot, *Blackfoot I.O.O.F. Hall*, 57 Bridge St.

Clearwater County

Pierce, *Our Lady of the Woodland Catholic Church*, 112 Holmes Dr.

Oneida County

Malad City, *Jones, Jedd, House*, 242 N. Main St.

ILLINOIS

Fulton County

Liverpool vicinity, *Sleeth Site*

Kane County

Aurora, *Old Second National Bank*, 37 S. River St.

INDIANA

Cross-Tipped Churches Thematic Group (also in OH).

KENTUCKY

Fayette County

Lexington, *Northside Historic Residential District*, roughly bounded by RR tracks, N. Limestone, W. Short and Newtown Sts.

Hart County

Mundfordville vicinity, *Salts Cave Archeological Site*, SW of Mundfordville in Mammoth Cave National Park

Jefferson County

Louisville, *Bush, S. S., House*, 230 Kenwood Hill Rd.
Louisville, *Finzer, Nicholas, House*, 1212 Hull St.
Louisville, *Porter-Todd House*, 929 S. 4th St.
Louisville vicinity, *Hume-Bischof House*, E of Louisville at 18701 Shelbyville Rd.

MASSACHUSETTS

Franklin County

Shelburne Falls, *Odd Fellow's Hall, 1–5 State St.*

Norfolk County

Brookline, *Brookline Village Commercial District*, irregular pattern along Washington St.
Norfolk vicinity, *Turner, Stephen, House*, N of Norfolk at 187 Seekonk St.

MISSOURI

Boone County

Columbia, *Maplewood*, Frank G. Nifong Memorial Park on MO AC.

MONTANA

Missoula County

Missoula vicinity, *Waldbillig Ranch Site.*

NEBRASKA

Adams County

Hastings, *Farrell Block*, 533–537 2nd St. and 112 Denver Ave.
Hastings, *Nebraska Loan and Trust Company Building*, 2nd St. and Lincoln Ave.
Hastings, *Stein Brothers Building*, 630 W. 2nd St.

NEW YORK

Nassau County

Cove Neck, *Roosevelt, James Alfred, Estate*, 360 Cove Neck Rd.
Glen Cove, *Woolworth Estate*, 77 Crescent Beach Rd.
Oyster Bay, *Adam-Derby House*, 166 Lexington Ave.

OHIO

Cross-Tipped Churches Thematic Group, various counties in OH (also in IN).

Adams County

Peebles vicinity, *Wickerham Inn*, NE of Peebles on OH 41

Allen County

Lima, *Lima Memorial Hall*, W. Elm and S. Elizabeth Sts.

Auglaize County

St. Marys, *Williams, Dr. Issac Elmer, House and Office*, 407–411 N. Main St.

Belmont County

Martins Ferry, *Central School*, Hickory and S. 4th Sts.
St. Clairsville vicinity, *Great Western Schoolhouse*, W of St. Clairsville on U.S. 40.

Clark County

Springfield vicinity, *Marquart-Mercer Farm*, SW of Springfield.

Coshocton County

Trinway vicinity, *Adams-Gray House*, SE of Trinway on Tobacco Hill Rd. (also in Muskingum County).

Cuyahoga County

Breckville vicinity, *Jaite Mill Historic District*, SE of Brecksville at Riverview and Vaughan Rds. (also Summit County).
Cleveland, *Woodland Avenue and West Side Railroad Powerhouse*, 1180 Chathan Ave., NW.
Lakewood, *Day, Erastus, House*, 16807 Hilliard Rd.

Erie County

Sandusky, *Beecher, Lucas, House*, 25 W. Washington, Row.

Greene County

Yellow Springs vicinity, *Whitehall Farm*, N of Yellow Springs off U.S. 68.

Guernsey County

Guernsey vicinity, *Booth Homestead*, N of Guernsey.

Hamilton County

Cincinnati, *Friedlander, Abraham J., House,* 8 W. 9th St.

Highland County

Greenfield, *Travellers' Rest Inn,* Jefferson St. and McArthur Way.

Lake County

Painesville vicinity, *LeRoy Methodist Episcopal Church,* NE of Painesville at OH 86 and Brakeman Rd.
Unionville, *Tappan, Judge Abraham, House,* 7855 S. Ridge Rd.

Marion County

Caledonia, *Memorial United Methodist Church,* 243 S. Main St.

Medina County

Medina vicinity, *Gayer, Jacob, House,* N of Medina at 4508 Marks Rd.
Weymouth, *Seymour, William H., House,* 3306 S. Wyemouth Rd.

Montgomery County

Dayton, *Kossuth Colony Historic District,* Baltimore St., Mack and Notre Dame Aves.

Muskingum County

Trinway vicinity, *Prospect Place (Adams-Cox House)* S of Trinway on OH 77.
Zanesville, *Black-Elliott Block,* 525 Main St.

Seneca County

Tiffin vicinity, *Umsted Farm,* N of Tiffin on SR 38.

Shelby County

Sidney, *Fulton Farm (River Bend Farm)* 804 S. Brooklin Ave.

Summit County

Peninsula vicinity, *Welton, Allen, House,* SW of Peninsula at 2485 Major Rd.

OKLAHOMA

Lincoln County

Stroud, *Graham Hotel,* Main St. and 2nd Ave.
Stroud, *Stroud Trading Company Building,* Main St. and 2nd Ave.

Logan County

Guthrie, *St. Joseph Convent and Academy,* off OK 33.

McCurtain County

Idabel, *Frisco Station,* Texas Ave.

Noble County

Perry, *First National Bank and Trust Company Building,* 300 W. 6th St.
Perry, *Wollenson-Nacewonder Building,* 611 Delaware St.

Osage County

Fairfax, *Chief Ne-kah-wah-she-tun-kah Grave and Statue,* off OK 18.
Hominy, *Drummond, Fred, House,* 305 N. Price Ave.
Hominy, *Hominy Osage Round House,* Round House Sq. in Indian Village.
Pawhuska, *Immaculate Conception Church,* 1314 Lynn Ave.

Payne County

Stillwater, *Magruder Plots,* Oklahoma State University.

WISCONSIN

Buffalo County

Fountain City, *Fugina House,* 348 S. Main St.

Douglas County

Superior, *Trade and Commerce Building (Old Superior City Hall)* 916 Hammond Ave.

Green County

Monroe, *Caradine Building,* 1007 16th Ave.
Monroe, *Hulburt, C. D., House,* 1205 13th Ave.

Kewaunee County

Kewaunee, *Pilgrim Family Farmstead,* SW of Kewaunee on Church Rd.

Milwaukee County

Milwaukee, *Trinity Evangelical Lutheran Church,* 1046 N. 9th St.

Oconto County

Oconto, *West Main Street Historic District,* Main St. from Duncan to Erie Sts.

Rock County

Janesville, *Belle Cottage (Kellogg-Damrow House)* 1837 Center Ave.

[FR Doc. 79-9658 Filed 4-2-79; 8:45 am]
BILLING CODE 4310-03-M

National Register of Historic Places; Additions, Deletions, and Corrections

By notice in the **Federal Register** of February 7, 1978, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

Ronald M. Greenberg,
Acting Keeper of the National Register.

ALABAMA

Montgomery County

Montgomery, *Davis, Jefferson, Hotel,* Catoma and Montgomery Sts. (3-13-79).
Montgomery, *Gay House,* 230 Noble Ave. (3-21-79).
Montgomery, *Tulane Building,* 800 High St. (3-21-79.)

ARIZONA

Coconino County

Flagstaff, *Riordan Estate,* 2 Kinlichi Knoll (2-28-79).

Pima County

Tucson, *Ronstadt House,* 607 N. 6th Ave. (2-26-79).

Pinal County

Casa Grande, *Casa Grande Woman's Club Building,* 407 N. Sacaton St. (3-13-79).

ARKANSAS

Jefferson County

Pine Bluff, *Trulock-Cook House,* 703 W. 2nd Ave. (2-23-79).

CALIFORNIA

Los Angeles County

Los Angeles, *Pellissier Building,* 3780 Wilshire Blvd. (2-23-79).

Napa County

Napa, *Lisbon Winery,* 1720 Brown St. (3-1-79).
Napa vicinity, *Suscol House,* S of Napa on Old Soscol Ferry Rd. (2-28-79).
Oakville vicinity, *Far Niente Winery,* S of Oakville at 1577 Oakville Grade (2-28-79).

COLORADO

El Paso County

Fountain, *Old Livery Stable,* 217 W. Missouri (3-2-79).

Logan County

Sterling, *Logan County Courthouse,* Main St. (2-22-79).

CONNECTICUT

Fairfield County

Bridgeport, *Eagle's Nest,* 282-284 Logan St. (3-5-79).
Stamford, *Knap, John, House,* 984 Stillwater Rd. (3-5-79).

FLORIDA

Dade County

Hialeah, *Hialeah Park Race Track,* E. 4th Ave. (3-2-79).

GEORGIA

Clayton County

Rex, *Rex Mill,* Rex Rd. (3-7-79).

Richmond County

Augusta, *Wilson, Woodrow, Boyhood Home,* 419 17th St. (2-28-79).

GUAM

Santa Rita vicinity, *Mount Tenjo Fortifications,* NE of Santa Rita (3-13-79).

IDAHO

Ada County

Boise, *Union Block and Montandon Buildings,* 8th and Idaho Sts. (3-12-79).

ILLINOIS

Adams County

Quincy, *Warfield, William S., House,* 1624 Maine St. (3–21–79).

Cook County

Barrington, *Octagon House,* 223 W. Main St (3–21–79).
Chicago, *Notre Dame de Chicago,* 1338 W. Flournoy St. (3–21–79).
Chicago, *Reebie Storage and Moving Company,* 2325–2333 N. Clark St. (3–21–79).
Kenilworth, *Kenilworth Club,* 410 Kenilworth Ave. (3–21–79).
Kenilworth, *Maher, George W., House,* 424 Warwick Rd. (3–21–79).
Palatine, *Clayson, George, House,* 224 E. Palatine Rd. (3–21–79).

DeKalb County

Dekalb, *Gurler, George H., House,* 205 Pine St. (3–21–79).

Kane County

St. Charles, *City Building,* 15 N. 1st Ave. (3–21–79).

Pike County

Barry, *Barry Historic District,* U.S. 36 (3–13–79).

INDIANA

Howard County

Kokomo vicinity, *Smith, Henry W., House,* 5 mi. (8 km) W of Kokomo (3–9–79).

Randolph County

Winchester, *Stone, Gen. Asahel, Mansion,* 201 W. Orange St. (3–21–79).

Vermillion County

Clinton vicinity, *Salem Methodist Episcopal Church,* N of Clinton on IN 63 (2–22–79).

Warrick County

Yankeetown vicinity, *Yankeetown Archeological Site,* (2–28–79).

IOWA

Black Hawk County

La Porte City, *La Porte City Station,* 202 E. Main St. (3–13–79).

Cherokee County

Cherokee vicinity, *Brewster Site,* (3–7–79).

Jasper County

Newton vicinity, *German Evangelical Reformed Church,* N of Newton (3–7–79).

Jones County

Monticello vicinity, *Ely's Stone Bridge,* NW of Monticello at Hardscrabble Rd. (3–7–79).

Linn County

Marion, *Braska House,* 889 2nd Ave. (3–5–79).

Louisa County

Morning Sun vicinity, *Bethel Church,* NE of Morning Sun off U.S. 61 (2–22–79).

Scott County

Davenport, *Clifton,* 1533 Clay St. (2–22–79).

Winneshiek County

Decorah vicinity, *Birdsall Lime Kiln,* NE of Decorah (3–7–79).
Spillville, *Taylor, Wenzil, Building,* Main St. (3–13–79).

KENTUCKY

Adair County

Columbia, *Gaither, Dr. Nathan, House,* 100 S. High St. (3–1–79).

Anderson County

Lawrenceburg vicinity, *Moore, Rev. William Dudley, House,* 4 m. (6.4 km) S of Lawrenceburg (2–22–79).

Fleming County

Flemingsburg, *Fleming, Thomas W., House (Dudley House),* 114 W. Water St. (3–21–79).

Gallatin County

Sparta vicinity, *Turley, Benjamin F., House,* 2.5 mi. N of Sparta on KY 35 (3–7–79).

Jessamine County

Nicholasville vicinity, *Dunn, Nathaniel House,* N of Nicholasville off U.S. 68 (3–1–79).

Kenton County

Covington, *Champion Ice Manufacturing and Cold Storage Company,* 40 E. 2nd St. (3–9–79).

LOUISIANA

Livingston Parish

Springfield vicinity, *Carter Plantation,* SW of Springfield on SR 1038 (2–23–79).

Natchitoches Parish

Derry vicinity, *Magnolia Plantation,* N of Derry on LA 119 (3–21–79).

Orleans Parish

New Orleans, *St. Peter A.M.E. Church,* 1201 Cadiz St. (3–21–79).

Webster Parish

Minden, *Germantown,* off U.S. 79 (3–12–79).

MAINE

Cumberland County

Pownal, *Randall, Jacob, House,* Lawrence Rd. (3–2–79).

MARYLAND

Baltimore (independent city)

Leadenhall Street Baptist Church, 1021–1023 Leadenhall St. (3–16–79).

Charles County

La Plata vicinity, *Cedar Grove,* S of La Plata off MD 6 (3–2–79).

Frederick County

Rocky Ridge vicinity, *Old Mill Road Bridge,* W of Rocky Ridge on Old Mill Rd. over Owens Creek (3–7–79).

Somerset County

Smith Island, *Island Belle,* Ewell (3–5–79).

MASSACHUSETTS

Barnstable County

Barnstable, *Barnstable Fair Hall,* 3512 Main St. (3–7–79).
Osterville, *Wianno Club,* Seaview Ave. (3–2–79).

Essex County

North Andover, *North Andover Center Historic District,* roughly bounded by Osgood, Pleasant, Stevens, Johnson, and Andover Sts. and Wood Lane (3–5–79).

Middlesex County

Winchester, *Locke, Capt. Josiah, House,* 195 High St. (3–2–79).

Plymouth County

Plymount vicinity, *Parting Ways Archeological District,* W of Plymouth (3–19–79).

Suffolk County

Boston, *Washington Street Theater District,* 511–559 Washington St. (3–19–79).

MINNESOTA

Dakota County

South St. Paul, *Stockyards Exchange Building,* 200 N. Concord St. (3–7–79).

MISSISSIPPI

Adams County

Natchez, *Manse, The,* 307 S. Rankin St. (3–7–79) HABS.

Jefferson County

Church Hill, *Oak Grove,* MS 553 (2–22–79).

Lauderdale County

Meridian, *Highland Park,* roughly bounded by 15th and 19th Sts., 37th and 42nd Aves. (2–28–79).

MISSOURI

Jackson County

Kansas City, *Henderson, Dr. Generous, House,* 1016 The Paseo (2–26–79).
Kansas City, *Jenkins Music Company Building,* 1217–1223 Walnut St. (3–2–79).
Raytown, *Rice-Tremonti House,* 8801 E. 66th St. (3–2–79).

Miller County

St. Elizabeth vicinity, *Boeckman Bridge,* SE of St. Elizabeth over Big Tavern Creek (3–19–79).

Moniteau County

Tipton, *Maclay Mansion,* 209 W. Howard St. (2–26–79).

Morgan County

Gravois Mills vicinity, *Old St. Patrick's Church,* S of Gravois Mills on SR 0 (3–2–79).

MONTANA

Gallatin County

Bozeman, *Bozeman Carnegie Library,* 35 N. Bozeman Ave. (2–26–79).

1–A03043 0051(03)(02–APR–79–12:39:53)

Yellowstone County

Billings, *Billings Historic District*, roughly bounded by N. 23rd and N. 25th Sts., 1st and Montana Aves. (3–13–79).

NEBRASKA

Dawson County

Cozad, *Hendee Hotel*, 220 E. 8th St. (3–21–79).

Merrick County

Central City, *Patterson Law Office*, 1517 18th St. (3–9–79).

NEVADA

Carson City (independent city) Clemens, Orion, House, 502 N. Division St. (3–12–79).

Sadler, Gov. Reinhold, House, 310 Mountain St. (3–2–79).

NEW HAMPSHIRE

Strafford County

Milton vicinity, *Plumer-Jones Farm*, N of Milton on NH 16 (3–23–79).

NEW JERSEY

Atlantic County

Estell Manor, *Head of the River Church*, NJ 49 (3–7–79) HABS.

Burlington County

Chesterfield vicinity, *Singleton-Lathem-Large House*, NW of Chesterfield on NJ 528 (3–7–79).

Cape May County

Avalon, *Avalon Life Saving Station*, 76 W. 15th St. (3–2–79).

Essex County

Newark, *Murphy Varnish Works*,Mc Whorter, Vesey and Chestnut Sts. (3–9–79).
Newark, *Second Reformed Dutch Church*, 178–184 Edison Pl. (3–12–79).
Newark, *Symington House*, 2 Park Pl. (3–2–79).
Roseland, *Williams-Harrison House*, 126 Eagle Rock Ave. (3–13–79) HABS.

Gloucester County

Bridgeport vicinity, *Salisbury Farm*, W. of Bridgeport (3–7–79).

Monmouth County

Asbury Park, *Asbury Park Convention Hall*, Ocean Ave. (3–2–79).

Salem County

Woodstown, *Shinn, Joseph, House*, 68 N. Main St. (3–7–79).

Union County

Berkeley Heights, *Little-Lord Farmstead*, 23 and 31 Horseshoe Rd. (3–7–79).

NEW MEXICO

Bernalillo County

Albuquerque, *Barela-Bledsoe House*, 7017 Edith Blvd., NE. (3–12–79).

De Baca County

Fort Sumner vicinity, *Fort Sumner Railroad Bridge*, 2 mi. (3.2 km) W of Fort Sumner over Pecos River (3–21–79).

Rio Arriba County

Embudo, *Embudo Historic District*, U.S. 64 (3–12–79).

San Miguel County

Las Vegas, *Library Park Historic District*, Liberty Park and environs (3–12–79).

Taos County

Taos, *Gaspard, Leon, House*, Raton Rd. (2–23–79).

NEW YORK

Columbia County

Clermont vicinity, *Sixteen Mile District*, W of Clermont along Hudson River (also in Dutchess County) (3–7–79).

Dutchess County

Sixteen Mile District. Reference—see Columbia County.
Beacon, *Eustatia*, 12 Monell Pl. (2–26–79).
Poughkeepsie, *Poughkeepsie Railroad Bridge*, spans Hudson River (2–23–79) (also in Ulster County).

Essex County

Elizabethtown, *Hand-Hale Historic District*, River and Maple Sts. (3–5–79).

Orange County

Vails Gate, *Edmonston House*, NY 94 (3–2–79).

Suffolk County

Montauk vicinity, *H.M.S. Culloden Shipwreck Site*, N of Montauk (3–5–79).

Tompkins County

Ithaca, *Strand Theatre*, 310 E. State St. (2–22–79).

Ulster County

Poughkeepsie Railroad Bridge. Reference—see Dutchess County.

Westchester County

Tarrytown, *North Grove Street Historic District*, 1, 2, 8, 15 and 19 Grove St. (3–13–79).

NORTH CAROLINA

Avery County

Linville, *Linville Historic District*, U.S. 221 (3–7–79).

Halifax County

Aurelian Springs vicinity, *Edmunds-Heptinstall House*, NW of Aurelian Springs on NC 1001 (3–12–79).

Mecklenburg County

Davidson vicinity, *Beaver Dam Plantation House*, SE of Davidson on NC 73 (3–19–79).

Vance County

Middleburg vicinity, *Hawkins House*, W of Middleburg on SR 1371 (3–19–79).

Wake County

Raleigh, *Rogers-Bagley-Daniels-Pegues House*, 125 E. South St. (3–21–79).

Wayne County

Goldsboro, *Giddens, L. D., and Son Jewelry Store*, 135 S. Center ST. (3–19–79).

OHIO

Clark County

Springfield, *Main Street Buildings*, 6–14 E. Main St. (3–2–79).

Cuyahoga County

Brecksville, *Burt, William House*, 9525 Brecksville Rd. (2–22–79).
Brecksville, *Rich, Charles B. House*, 9367 Brecksville Rd. (2–22–79).
Brecksville vicinity, *Station Road Bridge*, E of Brecksville at Cuyahoga River (3–7–79) (also in Summit County).
Independence, *Packard-Doubler House*, 7634 Riverview Rd. (3–9–79).
Valley View, *Knapp, William H., House*, 7101 Canal Rd. (3–19–79).
Valley View, *Ulyatt, Abraham, House*, 6579 Canal Rd. (2–27–79).

Franklin County

Hilliard vicinity, *Wesley Chapel*, SE of Hilliard at 3299 Dublin Rd. (2–27–79).

Guernsey County

Cambridge vicinity, *Sarchet, Peter B., House*, N of Cambridge on SR 365. (2–22–79).
Claysville vicinity, *Claysville School*, N of Claysville on SR 15 (2–22–79).

Hamilton County

Cincinnati, *Martin House*, 6500 Beechmont Ave. (3–21–79).

Hardin County

Kenton, *Hardin County Courthouse*, Courthouse Sq. (3–21–79).

Highland County

Hillsboro vicinity, *Eubanks-Tytus House*, SE of Hillsboro on OH 41 (2–27–79).

Lake County

Kirtland Hills, *Hanna, Leonard C., Jr.*, Estate, Little Mountain Rd. (3–12–79).
Madison vicinity, *Madison Seminary and Home*, N of Madison at 6769 Middle Ridge Rd. (2–22–79).
Mentor, *Garfield Library*, 7300 Center St. (2–23–79).

Lorain County

Oberlin, *Burrell-King House*, 317 E. College St. (3–7–79).
Oberlin, *Oberlin Lake Shore and Michigan Southern Station*, Depot Park (3–2–79).
Oberlin vicinity, *Reamer Barn*, W. of Oberlin (3–21–79).
Wellington, *Old St. Patrick's Church*, 512 N. Main St. (3–21–79).

Montgomery County

Centerville vicinity, *Bradford, Robert, House*, S of Centerville on Social Row Rd. (3–21–79).
Dayton, *East Second Street District*, 3–27 E. 2nd St. (3–7–79).

Morrow County

Cardington, *Exchange Hotel*, W. Main St. (3–21–79).

Muskingum County

Zanesville, *Blocksom-Rolls House*, 960 Eastman St. (2–21–79).
Zanesville vicinity, *Galigher, James, House*, S of Zanesville on S. River Rd. (2–22–79).

Zanesville vicinity, *Pearis Homestead*, E of Zanesville on OH 146 (2-27-79).

Putnam County

Gilboa, *Gilboa Main Street Historic District*, Main St. (3-21-79).

Richland County

Lexington, *First Congregational Church and Lexington School*, 47 Delaware St. and 51 W. Church St. (2-23-79).

Ross County

Chillicothe, *Vanmeter Church Street House*, 178 Church St. (2-21-79).
South Salem, *South Salem Academy*, Church St. (2-23-79).

Seneca County

Tiffin, *Miami Street Grade School*, 155 Miami St. (3-21-79).

Stark County

Louisville, *St. Louis Church*, 300 N. Chapel St. (2-22-79).
Massillon, *St. Timothy's Protestant Episcopal Church*, 226 SE 3rd St. (2-22-79).

Summit County

Station Road Bridge, Reference—see Cuyhoga County.
Peninsula vicinity, *Brown, Jim, House*, S of Peninsula at 3491 Akron Peninsula Rd. (3-2-79).

Tuscarawas County

Port Washington, *Port Washington Town Hall*, Main St. (2-22-79).

OKLAHOMA

Canadian County

El Reno, *El Reno Hotel*, 300 S. Choctaw St. (3-21-79).

Garvin County

Pauls Valley, *Pauls Valley Historic District*, roughly bounded by RR tracks, Grant Ave., Joy and Walnut Sts. (2-1-79).

Muskogee County

Fort Gibson vicinity, *Cherokee National Cemetery*, 1.5 mi. E of Fort Gibson (3-19-79).

Oklahoma County

Oklahoma City, *Mid-Continent Life Building*, 1400 Classen Dr. (3-12-79).

OREGON

Benton County

Corvallis, *Benton County State Bank Building*, 155 SW. Madison Ave. (3-7-79).

Clackamas County

Lake Oswego, *Lake Oswego Odd Fellows Hall*, Durham and Church Sts. (3-7-79)
Oregon City, *Milne, James, House*, 504 3rd St. (3-2-79).

Clatsop County

Astoria, *Young, Benjamin, House and Carriage House*, 3652 Duane St. (3-7-79).

Columbia County

Clatskanie, *Flippin, Thomas J., House*, 620 Tichenor St. (3-7-79).

Hood River County

Hood River vicinity, *Oak Grove Schoolhouse*, SW of Hood River at 2121 Reed Rd. (3-5-79).

Jackson County

Ashland, *Carter, E.V., House*, 505 Siskiyou Blvd. (3-7-79).
Medford, *South Oakdale Historic District*, irregular pattern along S. Oakdale Ave. from Stewart Ave. to W. 10th St. (3-15-79).

Lane County

Eugene, *Oregon Electric Railway Passenger Station*, 27 E. 5th St. (3-13-79).

Linn County

Albany, *Flinn Block*, 222 SW. 1st Ave. (3-2-79).

Marion County

Jefferson vicinity, *Campbell, Hamilton*, House, N of Jefferson (3-13-79).
Salem, *Starkey-McCully Block*, 223-233 Commercial St., NE (3-12-79).

Multnomah County

Portland, *Ambassador Apartments*, 1209 SW. 6th Ave. (2-26-79).
Portland, *Ashley, Mark A.M., House*, 2847 NW. Westover Rd. (3-2-79).
Portland, *Brainard, William E., House*, 5332 SE Morrison St. (3-1-79).
Portland, *Cotillion Hall*, 406 SW. 14th Ave. (3-9-79).
Portland, *Nicholas-Lang House*, 2030 SW. Vista Ave. (3-13-79).
Portland, *Railway Exchange Building and Huber's Restraurant*, 320 SW. Stark St. (3-13-79).

Union County

La Grande vicinity, *Hot Lake Resort*, SE of La Grande on OR 203 (3-15-79).

SOUTH CAROLINA

Anderson County

Anderson, *Anderson Downtown Historic District*, Main St. Between Tribble and Market Sts. (2-23-79).

Richland County

Columbia, COLUMBIA MULTIPLE RESOURCE AREA. This area includes: *Alston House*, 1811 Gervais St.; *Capitol Cafe*, 1210-1214 Main St.; *Columbia High School*, 1323 Washington St.; *Consolidated Building*, 1326-1330 Main St.; *Dovilliers-Manning-Magoffin House*, 4203 St. Clair Dr.; *EauClaire Town Hall and Survey Publishing Company Building*, 3904 Monticello Rd.; *Ebenezer Lutheran Chapel*, 1301 Richland St.; *Ensor-Keenan House*, 801 Wildwood Ave.; *Heslep House*, 203 Saluda Va.; *Kirkland, B.B., Seed and Distributing Company*, 912 Lady St.; *Kress Building*, 1508 Main St.; *Lever Building*, 1613 Main St.; *Logan School*, 815 Elmwood Ave.; *McCord House*, 1431 Pendleton St.; *Moore-Mann House*, 1611 Hampton St.; *National Loan and Exchange Bank Building*, 1338 Main St.; *South Carolina Dispensary*, 1205 Pulaski St.; *Tapp's Department Store*, 1644 Main St.; *United States Courthouse*, 1100 Laurel St.; *Wallace-McGee House*, 415 Harden St.; *Whaley, W.B. Smith, House*, 1527 Gervais St.; *Woodrow Memorial Presbyterian Church*, 2221 Washington St.; *Zimmerman House*, 1332 Pickens St.; *Zimmerman School*, 1336 Pickens St. (3-2-79).

SOUTH DAKOTA

Edmunds County

Ipswich, *Parmley Land Office*, Main St. (3-7-79).

Minnehaha County

Sioux Falls, *Sioux Falls National Bank Building*, 100 N. Phillips Ave. (3-7-79).

TENNESSEE

Davidson County

Nashville, *Utopia Hotel*, 206 4th Ave. North (3-9-79).

Franklin County

Winchester, *Franklin County Jail*, Decherd, Blvd. (3-7-79).

Montomery County

Clarksville vicinity, *Riverview*, W of Clarksville on Cumberand Heights Rd. (3-15-79).

Shelby County

Memphis, *Darnell, Rowland J., House (Nineteenth Century Club)* 1433 Union Ave. (3-21-79).

Weakley County

Gardner, *Caldwell, William Parker, House*, off TN 22 (3-9-79).

TEXAS

Brazoria County

Angleton, *Old Brazora County Courthouse*, Public Sq. (3-12-79).

El Paso County

El Paso, *Toltec Club*, 602 Magoffin Ave. (3-12-79).

Freestone County

Teague, *Trinity and Brazos Valley Railroad Depot and Office Building*, 208 S. 3rd Ave. (3-21-79).

Galveston County

Galveston, *Galveston Orphans Home*, 1315 21st St. (3-21-79).

Goliad County

Goliad vicinity, *Peck, Capt. Barton, House*, W of Goliad at Hill Ave. and Post Oak St. (2-23-79) HABS.

Harris County

Baytown vicinity, *Cedar Bayou Archeological District*, SE of Baytown (3-2-79).

Harrison County

Marshall vicinity, *Dial-Williamson House*, 3 mi. (4.8 km) W of Marshall on Old Longview Rd. (3-2-79).

Smith County

Tyler, *Carnegie Public Library*, 125 S. College St. (3-12-79).

1-A03043 0053(03)(02-APR-79-12:40:03)

UTAH

Jaub County

Tintic Mining District Multiple Resource Area. Reference—see Utah County.

Salt Lake County

Salt Lake City, *Lyne, Walter C., House,* 1135 E. South Temple St. (3–9–79).

Summit County

Park City, *Main Street Historic District,* Main St. (3–9–79).

Utah County

Eureka vicinity, TINTIC MINING DISTRICT RESOURCE AREA. This area includes: *Eureka Historic District,* roughly bounded by city limits; *Mammoth Historic District,* roughly bounded by city limits; and 23 associated mining sites over an 8-mile area (3–14–79) also in Jaub County).

Weber County

Ogden, *Maguire, Don, Duplex,* 549–551 25th St. (2–26–79).

VERMONT

Chittenden County

Burlington, *Wells-Richardson District,* Main, Pine, College and St. Paul Sts. (3–5–79).

Windsor County

Andover vicinity, *Simons' Inn,* SW of Andover on VT 11 (3–2–79).

VIRGINIA

Fauquer County

Middleburg vicinity, *Waverley,* S of Middleburg on VA 626 (3–12–79).

Rockbridge County

Lexington vicinity, *Church Hill,* 6.5 mi. NE of Lexington off U.S. 11 at I–64/81 (2–23–79).

Westmoreland County

Oak Grove vicinity, *Ingleside,* S of Oak Grove on VA 638 (3–15–79).
Oak Grove vicinity, *Roxbury,* 1.7 mi. S of Oak Grove (3–15–79). Oak Grove vicinity, *Wirtland,* S of Oak Grove on VA 638 (3–15–79).

WASHINGTON

Ferry County

Curlew, *Ansorge Hotel,* River St. and Railroad Ave. (3–9–79).
Danville, *Nelson-Grunwell Store,* Main and Wall Sts. (3–19–79).

King County

Seattle, *Ballard-Howe House,* 22 W. Highland Dr. (3–9–79).

Pend Oreille County

Metaline Falls, *Larson, Lewis P., House,* 5th and Pend Oreille Blvd. (3–9–79).
Metaline Falls, *Washington Hotel,* 5th and Washington St. (3–9–79).

Snohomish County

Everett, *Community Center and War Memorial Building (Masonic Temple)* 1611 Everett Ave. (2–21–79).

Spokane County

Cheney, *Cheny Interurban Depot,* 505 2nd St. (3–15–79).
Spokane vicinity, *Riblet, Royal, House,* E of Spokane on Fruit Hill Rd. (3–9–79).

Whitman County

Pullman, *Stevens Hall,* Campus and Administration Sts. (3–12–79).

WEST VIRGINIA

Mason County

Mason, *Shumaker-Lewis House,* Brown St. (3–12–79).

Ohio County

Wheeling, *Wheeling Baltimore and Ohio Railroad Passenger Station,* College Sq. (3–7–79).

WISCONSIN

St. Croix County

Hudson, *Opera Hall Block,* 516 2nd St. (3–7–79).

* * * * *

The following is a list of corrections to properties listed in the "Federal Register," Part II, February 6, 1979.

HAWAII

Honolulu County

Honolulu, *Puuhonua o Honaunau National Historical Park (City of Refuge National Historical Park)* (10–15–66).

MISSOURI

St. Louis (independent city)

Chattillon-DeMenil House, 3352 DeMenil Pl. (6–9–78).
St. Joseph's Roman Catholic Church, 1220 N. 11th St. (5–19–78).

VIRGINIA

Roanoke County

Salem vicinity, *Belle Aire,* U.S. 11 (4–30–76).

* * * * *

The following is a list of corrections to properties listed in the "Federal Register," Part II, February 6, 1979. Additional corrections may appear in subsequent updates.

ARKANSAS

Lonoke County

Scott vicinity, *Dortch Plantation,* NE of Scott off AR 130 at Bearskin Lake (12–6–75) (previously listed at Marlsgate (William P. Dortch House).

CALIFORNIA

Mendocino County

Gualala, *Milano Hotel,* 38300 Highway One S. (6–23–78) (previously listed in Gualala County).

San Mateo County

Pescadero vicinity, *Pigeon Point Lighthouse,* S of Pescadero at Pigeon Point off CA 1 (3–8–77) HABS. (previously listed as San Mato County).

IOWA

Shelby County

Harlan, *Shelby County Courthouse,* 7th and Court Sts. (11–14–78) (previously listed in Polk County, PA).

NEW HAMPSHIRE

Belknap County

Laconia vicinity, *Weirs, The (NH26–1) (Aquadoctan Archeological Site)* N of Laconia on U.S. 3 (5–12–75) (previously listed in incorrect order).

NEW JERSEY

Morris County

Parsippany vicinity, *Howell, Benjamin, Homestead,* 709 S. Beverwyck Rd. (10–19–78) (previously listed under incorrect vicinity).

NEW YORK

Chautauqua County

Fredonia, *Fredonia Commons Historic District,* Main, Temple, Church, Day, and Center Sts. (10–19–78) (previously listed in AZ).

Jefferson County

Fishers Landing vicinity, *Rock Island Light Station,* N of Fishers Landing on Rock Island (11–14–78) (previously listed in AZ).

Ontario County

Phelps, *St. John's Episcopal Church,* Church St. (11–7–78) (previously listed in AZ).

Otsego County

Gilbertsville, *Tianderah,* off NY 51 (11–2–79) (previously listed in AZ).

Queens County

Astoria, *Paramount Studios Complex,* 35th, 36th, and 37th Sts. (11–14–78) (previously listed in AZ).

OHIO

Clermont County

Milford vicinity, *Pfarr Log House,* SE of Milford on Shayler Run Rd. (9–17–77) (previously listed as Clemont County).

Coshocton County

Blissfield vicinity, *Helmick Covered Bridge,* E of Blissfield (6–18–75) (previously listed as Coschocton County).

Warren County

Oregonia vicinity, *Taylor Mound and Village Site,* N of Oregonia (3–31–78) (previously listed as Arren County).

PENNSYLVANIA

Fayette County

Belle Vernon vicinity, *Cook, Col. Edward, House,* E of Belle Vernon (3–29–78) (previously listed as Payette County).

RHODE ISLAND

Newport County

Portsmouth, *Oak Glen*, 745 Union St. (3–29–78) (previously listed in PA).

Providence County

North Scituate, *Smithville Seminary*, Institute Lane (3–29–78) (previously listed in PA).

SOUTH CAROLINA

Abbeville County

Abbeville vicinity, *Calhoun, Patrick, Family Cemetery, 9.5 mi. SW of Abbeville on SC 823 (8–28–75) (previously listed in incorrect order).*

Beaufort County

Parris Island, *Parris Island Historic District*, Mexico and Tripoli Sts. (11–21–78) (previously listed as Parris Island Drydock and Commanding Generals House).

* * * * *

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requesting determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR Part 800. Properties determined to be eligible under § 63.3 of the procedures for requestion determinations of eligibility are designated by (63.3).

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before any agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation, shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

CALIFORNIA

Butte County

Gianelli Dairy Barn, Hwy. 32 and Sacramento River (63.3).

Glenn County

Gianelli Bridge, Hwy. 32 over Sacramento River (63.3) (also in Butte County).

CONNECTICUT

Fairfield County

Bridgeport, *2414, 2440, 2450, 2403 and 2429 North Avenue* (63.3)
Greenwich, *Town Hall*, Greenwich Ave. (63.3).

Middlesex County

Cromwell, *Upper Houses River Port Historic District* (63.3).

Middletown County

Middletown, *Main Street Historic District*, Main St.

New London County

Stonington, *Railroad Bridge over the Pawcatuck River* (63.3).

GEORGIA

Elbert County

Richard B. Russell Multiple Resource Area, Richard B. Russell Dam and Lake Area (also in Hart County, GA and Abbeville and Anderson Counties, SC) (63.3).

Fulton County

Atlanta, *Biltmore Hotel*, 817 W. Peachtree St.

Henry County

Stockbridge, *Turner House*, SR 42 (63.3).

ILLINOIS

Cook County

Chicago, *Garfield Park Administration Building*, 100 N. Central Park Dr.

KANSAS

Republic County

Norway, *King Bridge over the Republican River* (63.3)

MARYLAND

Baltimore (independent city)

Baltimore City Retail Historic District
Municipal Historic District Philadelphia, *Wilmington and Baltimore Railroad: Passenger Station and Trainshed*, President and Fleet Sts.

MASSACHUSETTS

Middlesex County

Watertown, *Watertown Arsenal Park Site*, Watertown Arsenal Park (63.3).

MINNESOTA

Washington County

Copas, John, House, Rte. 1, Marine on St. Croix.
Stillwater, *Croixsyde*, 4 Croixside Rd.
Stillwater, *Heath Summer House*, Arcola Trail.
Stillwater, *Pest House*, 9033 Fairy Falls Rd.
Stillwater, *St. Croix Boom Company House and Barn*, 9666 N. St. Croix Trail.

MISSOURI

Oregon County

Terrace Archeological Site 230R42, Mark Twain National Forest (63.3).

MONTANA

Jefferson County

Basin, *150 House* (63.3).
Basin vicinity, *Jib Mill Foundation and Water Flume*, 2 mi. W of Basin (63.3).
Basin vicinity, *Montana Central Railroad Ore Loading Complex*, E of Basin on U.S. 91 (63.3).

NEW YORK

Bronx County

Bronx, *Salvation Army Officers' Training Center*, Andrews and W. Tremont Aves. (63.3).

Monroe County

Rochester, *U.S. Post Office*, Cumberland St.

Oswego County

Granby, *Indian Point Site* (63.3).

Saratoga County

Waterford, *Archeological Site 209* (63.3).

RHODE ISLAND

Washington County

Narragansett, *Campbell Site (8ALP).*
Narragansett, *Sprague I Site (8ANP).*

VIRGINIA

Chesterfield County

Archeological Sites 44CF106 and 44CF108
Point of Rocks Park (63.3).

Winchester County

Winchester, *Main Post Office*, 40 W. Piccadilly St.

The following is a list of corrections to properties listed in the **Federal Register**, Part II, February 6, 1979. Additional corrections may appear in subsequent updates.

CALIFORNIA

Los Angeles County

South Pasadena, *West Del Mar District*, 320–380 W. Del Mar Blvd., 280, 310 S. Orange Grove Blvd. (previously listed in incorrect order).

[FR Doc. 79–9657 Filed 4–2–79; 8:45 am]
BILLING CODE 4310–03–M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal Committee on Apprenticeship; Public Meetings

Pursuant to Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship

will conduct the following open meetings at the Austin Marriott Hotel, 6121 I–35 North at US 290, Austin, Texas:

April 19, 1979, 9 a.m. to 4:30 p.m.; *April 20, 1979*, 9 a.m. to 12 noon. Purpose of the FCA meeting will be to receive reports from FCA subcommittees on Research, Federal-State Relations, Goals; discussion of Apprenticeship-CETA linkages and implementation of 29 CFR 30.

The FCA meeting will be preceded by panel discussings on *April 18, 1979*, 10 a.m. to 4:30 p.m., on Equal Employment Opportunities for Women in Apprenticeship and Training.

Agenda is subject to change due to time constraints and priority items which may come before the Committee between the time of this publication and the scheduled date of the FCA meeting.

Members of the public are invited to attend the proceedings. Any menber of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty copies are needed for the members and for the inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of the intended presentation and amount of time needed. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Dept. of Labor, 601 D Street, N.W. (Room 5434), Washington, D.C. 20213.

Signed at Washington, D.C., this 28th day of March 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training Administration.

[FR Doc. 79–10093 Filed 4–2–79; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

Eastover Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Eastover Mining Company, Brookside, Kentucky 40801, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Brookside #3 and Bailey's Creek #1 Mines in Harlan County, Ky. and its Baker #1, Bell County #4, Bell County #5 and Bell County #7 Mines in Bell 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 the petition follows:

1. The petition pertains to the use of face lighting on mining machines, shuttle cars, scoops, roof bolting machines and belt feeders in the petitioner's mines.

2. The petitioner contends that the use of face lighting on its face equipment will result in a diminution of safety to its miners for the following reasons:

a. Failure of lighting while the equipment is in operation will cause an abrupt change in light intensity, possibly confusing the operator.

b. Failures of lighting will disrupt crew performance, cause undue hazards to team performance and interfere with corrections of hazards.

c. Heat generated from the lights creates an undesirable environment at the work face, resulting in undue stress and fatigue for miners.

d. The glare from equipment lights has caused equipment operators headaches and nausea and resulted in complaints and grievances.

e. When a miner enters or exits a lighted work place, a hazard is created while his eyes adjust to new light levels.

f. Steam created by the contact of spray water from dust allaying with heat generated by the lights hampers a miner's vision.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 3, 1979. Comments must be filed with the Office of Standards, Regulation and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 27, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M–79–18–C]

[FR Doc. 79–10096 Filed 4–2–79; 8:45 am]

BILLING CODE 4510–43–M

J & M Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

J & M Coal Company, General Delivery, LaFollett, Tennessee 37766, has filed a petition to modify the application of 30 CFR 75.1719 (illumination), to its No. 1 Mine, located in Campbell County, Tennessee. This petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95–164.

The substance of the petition follows:

1. The petition concerns the installation of lighting on the petitioner's mining machines.

2. The petitioner is mining coal seams 17 to 30 inches in height.

3. The petitioner's cutting machine is 18 inches in height.

4. Due to the low ceiling, it is neither feasible nor practical to install lights on the petitioner's mining machines or on stationary fixtures.

5. The petitioner states that the installation of such lights would result in a diminution of safety because the lights would be blinding to miners and would create additional heat in the close areas in which the miners work.

6. For these reasons, the petitioner requests relief from the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 3, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 27, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M–79–32–C]

[FR Doc. 79–10094 Filed 4–2–79; 8:45 am]

BILLING CODE 4510–43–M

O. C. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

O. C. Coal Company, 117 South 8th Street, Gunnison, Colorado 81230, has filed a petition to modify the application of 30 CFR 77–1605(k) (berms), to its No. 2 Mine, located in Gunnison, Colorado, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95–164.

The substance of the petition follows:

1. The petition concerns the placement of berms on the petitioner's haulage road.

2. During winter months, the petitioner removes snow from the top level of its haulageway by pushing it over the edge to the bottom level. From there it is pushed completely out of the way over the embankment.

3. The amount of snow received in the winter makes it impractical to have guards on the outer edge of the roadway.

4. In the spring, berms on the outer edges of the upper level trap runoff water in the working area.

5. For these reasons, the petitioner believes the application of the standard to its mine will result in a reduction in safety of its miners.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 3, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 27, 1979.

Robert B., Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-16-C]

[FR Doc. 79-10097 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-43-M

Standard Sign and Signal Co., Petition for Modification of Application of Mandatory Safety Standard

Standard Sign and Signal Company, P.O. Box 801, Pikeville, Kentucky 41501, has filed a petition to modify the application of 30 CFR 75.1710-1 (cabs and canopies) to its No. 1 and May Mines located in Pike County, Kentucky. This petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the use of canopies on electric face equipment in the petitioner's mines.

2. The petitioner is mining in coal seam heights ranging from 43 to 60 inches and is constantly encountering variations in these seam heights.

3. The petitioner states that the use of canopies will result in a diminution of safety to its miners for the following reasons:

a. Due to the varying seam heights, canopies collide with the top, shearing roofbolts, damaging cross beams, and destroying roof support.

b. The cramped confines of the cab lead the equipment operator to leave the cab frequently and in situations exposing the operator to the hazards of moving equipment.

c. To improve his vision of surrounding work area conditions, the equipment operator must place his head outside of the cab, exposing himself to hazards of moving equipment.

d. Canopies limit the paths of escape for an operator forced into a confined space by a rib or roof fall.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 3, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 27, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-4-C]

[FR Doc. 79-10098 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-43-M

Tarheel Coals Inc., Petition for Modification of Application of Mandatory Safety Standard

Tarheel Coals, Inc. P.O. Box 39, Bulan, Kentucky 41722, has filed a petition to modify the application of 30 CFR 77.213 (escapeways) to its Preparation Plant No. 4 in Bulan, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. A contractor installed an escapeway to the draw-off tunnel at the petitioner's facility using dimensions of 26⅝ inches, 3⅜ inches less than required by law.

2. An attempt to correct this error by enlarging the escapeway would affect the stability of the bedrock foundation for petitioner's raw coal silo, draw-off tunnel and preparation plant.

3. The petitioner proposes the following alternative:

a. Weekly inspections of the escapeway will be made to insure that it can be traveled. A record will be kept of these inspections.

b. All employees who are required to work on the draw-off tunnel will be trained semi-annually in the use of the escapeway.

c. An emergency escapeway drill will be conducted every 90 days to insure that all employees who work in the draw-off tunnel can travel uninhibited.

4. The petitioner states that this alternative will achieve no less protection for miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 3, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 2, 1979.

Robert B. Labather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-78-123-C]

[FR Doc. 79-10099 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF LABOR

Office of the Secretary

Arizona Agrochemical Company, Incorporated Chandler, Ariz., Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4746: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was inititated on January 26, 1979 in response to a worker petition received on January 22, 1979 which was filed on behalf of workers and former workers producing liquid ammonia at Arizona Agrochemical Company, Incorporated, Chandler, Arizona. The investigation revealed that a second plant located at the same site manufactures ammonia phosphate (dry fertilizer).

The Notice of Investigation was published in the Federal Register on January 19, 1979 (44 FR 4039-40). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Arizona Agrochemical Company, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligiblilty to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of anhydrous ammonia increased both absolutely and relative to domestic production in 1977 compared with 1976 and in the first nine months of 1978 compared with the same period in 1977.

Industry analysts report that the U.S. has for many years been importing anhydrous ammonia from such countries as Canada, the Netherlands-Antilles, Venzuela, Trinidad-Tobago, and the Netherlands. In the past year, Mexico and the USSR have become new

suppliers of anhydrous ammonia to the U.S. These countries, particularly Mexico, benefit from plentiful supplies of natural gas and are able to offer anhydrous ammonia at a price lower than that which prevails in the U.S. Mexico's importance as a supplier is heightened by its physical proximity to the American southwest. Imports of fertilizers are not subject to duty.

For a short period of time, the company imported anhydrous ammonia from Mexico. Declines in production and employment at the Chandler, Arizona, plant resulted from these imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with anhydrous ammonia produced at Arizona Agrochemical Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Arizona Agrochemical Company, Incorporated, Chandler, Arizona engaged in employment related to the production of anhydrous ammonia who became totally or partially separated from employment on or after December 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of March 1979.

C. Michael Aho,
Director, Office of Foreign Economic Research.

[TA-W-4746]

[FR Doc. 79-10205 Filed 4-2-79; 8:45 am]
BILLING CODE 4510-28-M

Buffalo Knitting Mills, Incorporated, Pen Argyl, Pennsylvania; 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-4800: 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 12, 1979 in response to a worker petition received on February 8, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's sweaters at Buffalo Knitting Mills, Incorported in Pen Argyl, Pennsylvania.

The Notice of Investigation was published in the **Federal Register** on February 23, 1979 (44 FR 10799). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Buffalo Knitting Mills, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit caridigans and pullovers increased from 20.4 million units in 1975 to 26.5 million in 1976, to 28.3 million units in 1977, and to 38.4 million units in 1978.

Company imports of men's sweaters increased from 1976 to 1977 and from 1977 to 1978.

Company sales of imported men's sweaters as a percentage of total company sales increased from 48.3 percent in 1977 to 59.7 percent in 1978, and from 61.3 percent in January-February, 1978 to 97.1 percent in January-February, 1979.

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 sweaters produced at Buffalo Knitting Mills, Incorporated, Pen Argyl, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Buffalo Knitting Mills, Incorporated, Pen Argyl, Pennsylvania who became totally or partially separated from employment on or after September 1, 1978 and before February 28, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[TA-W-4800]

[FR Doc. 79-10206 Filed 4-2-79; 8:45 am]
BILLING CODE 4510-28-M

Custom Stuffed Toys Company, New York, N.Y.; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4567: 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 2, 1979 in response to a worker petition received on December 20, 1978 which was fied on behalf of workers and former workers producing stuffed toys at Custom Stuffed Toys Company, New York, New York.

The Notice of Investigation was published in the **Federal Register** on January 19, 1979 (44 FR 4029). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Custom Stuffed Toys Company, its customers, Toy Manufacturers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the 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.

The Department conducted a survey of customers of Custom Stuffed Toys. The survey indicated that customers which decreased purchases from Custom Stuffed Toys did not increase purchases of imported stuffed toy animals.

Conclusion

After careful review, I determine that all workers of Custom Stuffed Toys Company, New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of March 1979.

Harry J. Gilman,
Supervisory International Economist,
Office of Foreign Economic Research.

[TA-W-4567]

[FR Doc. 79-10207 Filed 4-2-79; 8:45 am]
BILLING CODE 4510-28-M

Day's Incorporated; Negative Determination on Reconsideration

On March 12, 1979, (44 FR 16973), the Department of Labor agreed to administratively reconsider the negative determination which it had made on December 22, 1978, (44 FR 2729) pursuant to Section 223 of the Trade Act of 1974 for all workers at the Tacoma and Bremerton, Washington plants of Day's Incorporated, Tacoma, Washington regarding eligibility to apply for worker adjustment assistance.

In its reconsideration the Department reviewed the investigative file which revealed that the Bremerton plant produced only men's slacks and the Tacoma plant produced men's slacks and ski wear with men's slacks accounting for almost all its production in 1977 and 1978. Both plants ceased production and have closed; the Bremerton plant ceased production in November, 1977 and the Tacoma plant in June, 1978.

Following the intitial investigation, the Department determined that workers at both plants did not meet the "contributed importantly" test for increased imports of men's slacks. At the request of the petitioning union, the Department conducted a further customer survey of the subject firm's retail customers. Both surveys revealed that imports of men's slacks played an insignificant role in the purchasing patterns of Day's customers. Customer comments indicated that imports were not a factor in their reduced purchases from Day's Inc.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to former workers of the Tacoma and Bremerton, Washington plants of Day's Inc.

Signed at Washington, D.C. this 28th day of March 1979.

Harry J. Gilman,
Supervisory International Economist,
Office of Foreign Economic Research.

[TA-W-4058, 4059]

[FR Doc. 79-10208 Filed 4-2-79; 8:45 am]
BILLING CODE 4510-28-M

Fiesta Fashions, Incorporated; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trae Act of 1974 the Department of Labor herein presents the results of TA-W-4802: 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 12, 1979 in response to a worker petition received on February 6, 1979 which was filed on behalf of workers and former workers producing ladies' coats at Fiesta Fashions, Incorporated, Hoboken, New Jersey. The investigation revealed that women's raincoats are also produced.

The Notice of Investigation was published in the **Federal Register** on February 23, 1979 (44 FR 10799). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Fiesta Fashions, Incorporated, its manufacturers, their retail customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's coats and jackets increased absolutely and relatively from 1976 to 1977 and increased absolutely from 1977 to 1978.

Imports of women's, girls' and infants' raincoats decreased absolutely and relative to domestic production from 1976 to 1977 and increased absolutely in the first nine months of 1978 compared with the same period of 1977.

The Department conducted a survey of the manufacturers which contracted with Fiesta Fashions in 1978. The survey revealed that the manufacturers did not purchase imported women's coats or raincoats and utilize foreign contractors. A survey of retail customers was conducted for the manufacturers which had decresing sales. This survey revealed that retail customes decreased purchases from the manufacturers and increased purchases of imported women's coats and raincoats.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's coats and raincoats produced at Fiesta Fashions, Incorporated, Hoboken, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Fiesta Fashions, Incorporated, Hoboken, New Jersey who became totally or partially separated from employment on or after February 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of March 1979.

Harry J. Gilman,
Supervisory International Economist,
Office of Foreign Economic Research.

[TA-W-4802]

[FR Doc. 79-10209 Filed 4-2-79; 8:45 am]
BILLING CODE 4510-28-M

Industrial Service Centers, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-4777: 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 1, 1979 in response to a worker petition received on January 30, 1979 which was filed on behalf of workers and former workers engaged in the warehousing of steel, cutting of steel to customers' specifications and reselling the steel at Industrial Service Center, Baltimore, Maryland. The investigation revealed that the correct company name is Industrial Service Centers, Incorporated.

The Notice of Investigation was published in the **Federal Register** on February 9, 1979 (44 FR 8381). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Industrial Service Centers, Incorporated, 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 provides services cannot be considered to be the "workers' firm".

Industrial Service Centers, Incorporated, is the successor to a corporation originally founded in 1924. The company is incorporated in the State of Maryland and is a wholly-owned subsidiary of the Eastmet Corporation, formed in 1972, a manufacturer and distributor of flat-rolled stainless steel products. The manufacturing subsidiary of the Eastmet Corporation is Eastern Stainless Steel Company, Baltimore, Maryland. Industrial Service Centers, Incorporated, had operated in seven locations, all in the Eastern United States. All but two of these facilities have shut down. The Baltimore, Maryland facility shut down in mid-1978.

The petitioning workers of Industrial Service Centers, Incorporated, Baltimore, Maryland are engaged exclusively in processing, warehousing, shipping, and distribution activities and do not produce an article within the meaning of Section 222(3) of the Act.

Industrial Service Centers, Incorporated, Baltimore, Maryland, purchases steel and aluminum from various producers, and is not obligated to purchase its stainless steel from Eastern Stainless Steel Company. Industrial Service Centers, Incorporated, and neither its suppliers nor its customers have a controlling interest in one another.

All workers engaged in performing service functions on steel and aluminum at Industrial Service Centers, Incorporated, Baltimore, Maryland, are employed by that firm. All personnel actions and payroll transactions are controlled by Industrial Service Centers, Incorporated. Workers are not, at any time, under employment or supervision by Eastern Stainless Steel Company or any other supplier or customer of Industrial Service Centers, Incorporated. Thus, Industrial Service Centers, Incorporated, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of INDUSTRIAL Service Centers, Incorporated, Baltimore, Maryland are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of March 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-4777]

[FR Doc. 79-10210 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Secton 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 in 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

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

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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of March 1979.

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
Bellmore Coats (workers)	Lindenhurst, N.Y.	3/22/79	3/12/79	TA-W-5,043	Contractor of women's sportswear, raincoats and coats.
Clausing Corp. (USWA)	Warsaw, Ind.	3/23/79	3/21/79	TA-W-5,044	Industrial machine production including lathes.
International Shoe Company, Kiefner Plant (Retail Clerks International Union).	Perryville, Mo.	3/22/79	3/20/79	TA-W-5,045	Men's and women's shoes.
Joffery Manufacturing (ILGWU)	New Brunswick, N.J.	3/16/79	3/13/79	TA-W-5,046	Women's coats.
Mikan Originals (workers)	Neptune, N.J.	3/22/79	3/19/79	TA-W-5,047	Children's coats.
Mr. J's Sportswear, Ltd (workers)	Brooklyn, N.Y.	3/7/79	3/1/79	TA-W-5,048	Women's sportswear, coats and suits.
Sylvania Shoe Mfg. Corp. (workers)	Kennebunk, Maine	3/14/79	3/7/79	TA-W-5,049	Men's, women's and children's shoes.

[FR Doc. 79-10213 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-28-M

Jo Ann Coal Company; 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-4896: 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 7, 1979 in response to a worker petition received on February 23, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining metallurgical coal for Jo Ann Coal Company of Beckley, West Virginia. The investigation revealed that Jo Ann Coal Company is a contract mine operator that has been working at the #2 mine of the Piney Creek Coal Company in Raleigh County, West Virginia.

The Notice of Investigation was published in the **Federal Register** on March 20, 1979 (44 FR 16972). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Jo Ann Coal Company, its customer, 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.

Jo Ann Coal Company is a contract coal mine operator that has been working at the #2 mine of Piney Creek Coal Company in Raleigh County, West Virginia. Piney Creek Coal Company has sold all of its metallurgical coal exclusively to foreign buyers since July 1978. Declines in production and employment at Jo Ann Coal Company occurred only in February and March of 1979.

Conclusion

After careful review, I determine that all workers of Jo Ann Coal Company of Beckley, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of March 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[TA-W-4896]

[FR Doc. 79-10211 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-28-M

U.S. Handbags, Inc.; Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4836: 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 22, 1979 in response to a worker petition received on February 12, 1979 which was filed by the Leather Goods, Plastics, Handbags and Novelty Workers Union—Local 1, on behalf of workers and former workers producing ladies' handbags at U.S. Handbags, Incorporated, New York, New York.

The Notice of Investigation was published in the Federal Register on March 2, 1979 (44 FR 11865). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of U.S. Handbags, Incorporated, Morris White Fashions, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of handbags increased absolutely and relative to domestic production in 1977 compared to 1976 and absolutely in the first three quarters of 1978 compared to the first three quarters of 1977.

U.S. Handbags, Incorporated was a exclusive contractor for, and a wholly-owned subsidiary of Morris White Fashions, Incorporated. A U.S. Department of Labor customer survey revealed that several surveyed customers were decreasing purchases from Morris White while increasing purchases of imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with handbags produced at U.S. Handbags, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of U.S. Handbags, Incorporated, New York, New York who became totally or partially separated from employment on or after February 8, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of March 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-4836]

[FR Doc. 79-10212 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Public Hearings on Youth Employment

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 770) notice is hereby given that the Youth Task Force of the National Commission for Employment Policy will hold a series of four field hearings on issues related to youth employment and unemployment. The dates and sites of these hearings are as follows:

May 10-11, Cobo Hall, Room 3053, Detroit, Michigan.

May 24-25, Forrest Room, Airport Quality Inn, Memphis, Tennessee.

June 14-15, Biltmore Hotel, Los Angeles, California.

June 28-29, Holiday Inn—Independence Mall, Philadelphia, Pennsylvania.

The Commisson was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973, as amended, (P.L. 93-203 and P.L. 95-207). The Act charges the Commission with the broad responsibility of advising the President, the Congress, the Secretary of Labor, and other Federal agency administrators on national employment and training issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's employment and training policies and programs.

The hearings will be concerned with (a) What are the causes of the high levels of youth unemployment? What factors cause young people, particularly minority youth, problems, in the labor market? (b) Among the young population, who is in need of services and how should the services be targeted? (c) What works best for whom? Which educational, employment and training initiatives have been successful? Which have failed? (d) What kind of delivery system is necessary in order to provide the services and accomplish the youth employment policy goals and objectives? Are the present intergovernmental and institutional arrangements adequate, in need of redefinition, or will new institutions and delivery systems be necessary to respond to the educational and employment needs of youth? (e) How should program performance be measured? What are the best short-run measures? What are the long-term performance standards that can be applied to youth employment programs?

Members of the general public or other interested individuals may attend these hearings. Because of the widespread interest in the subject of youth unemployment and the limited time available for the hearings, the Youth Task Force has scheduled a number of witnesses for each hearing. An attempt will be made, however, to hear from a limited number of additional persons who wish to be heard. Persons wishing to appear before the Task Force should apply in writing to the "Hearings Coordinator," National Commission for Employment Policy, 1522 K Street, N.W., Suite 300, Washington, D.C. 20005 not later than 30 days before the hearing at which they would like to appear. Interested parties may submit written statements on any or all of the agenda items; such written statements should be sent to the "Hearings Coordinator," at the address above, not later than July 10, 1979.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection twenty working days after the hearing at the Commission's headquarters located at 1522 K Street, NW, Suite 300, Washington, D.C.

Signed at Washington, D.C., this twenty-seventh day of March 1979.

Isabell V. Sawhill,

Director, National Commission for Employment Policy.

[FR Doc. 79-10204 Filed 4-2-79; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold an open meeting on April 18–19, 1979 at the Hanford House Thunderbird Hotel, 802 George Washington Way, Richland, WA 99352. Notice of this meeting was published in the **Federal Register** on March 23, 1979 (44 FR 17837).

In accordance with the procedures outlined in the **Federal Register** on October 4, 1978 (43 FR 45926), 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 the subject meeting shall be as follows: Wednesday, April 18, 1979: 1:00 p.m. until the conclusion of business. Thursday, April 19, 1979: 8:30 a.m. until the conclusion of business.

The Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Department of Energy, the State of New Mexico, and their consultants, pertinent to the following:

(1) Recent developments in solidification and vitrification of high level wastes.

(2) Department of Energy studies of disposal of high level wastes in both bedded salt and non-salt media (basalt, granite, seabed).

(3) Recent changes in the NRC Waste Management Program.

(4) State of New Mexico activities in connection with the proposed Waste Isolation Pilot Plant (WIPP) site.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Ragnwald Muller, telephone 202/634–1413 between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 27, 1979.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-9853 Filed 4-2-79; 8:45 am]

Billing Code 7590-01-M

Atomic Safety and Licensing Board; Conference

In the matter of Puget Sound Power and Light Company, et al. (Skagit Nuclear Power Project, Units 1 and 2); Docket Nos. 50–522 and 50–523 Order for Conference.

The board is hereby calling a conference of counsel for all of the parties for Tuesday, Wednesday and Thursday, April 24, 25 and 26, 1979, beginning each day at 9:30 a.m. The conference will be held at Room 3086, New Federal Building, 915 Second Avenue, Seattle, Washington 98174.

The purpose of the conference is to schedule evidentiary hearings and to take further steps in moving along the proceeding.

Between now and the scheduled conference, the board is planning to issue an order setting forth the agenda for the conference, including comments of its own on much of the subject matter of the agenda as guidelines for the parties, and also to issue its order on the question of intervention by the Upper Skagit Indian Tribe, the Sauk Suiattle Indian Tribe and the Swinomish Tribal Community as remanded by the Appeal Board and as noted recently by the Commission.

Done on this 27th day of March 1979 at Washington, D.C.

Atomic Safety and Licensing Board.

Valentine B. Deale,

Chairman.

[Docket Nos. 50-522 and 50-523]

[FR Doc. 79-9858 Filed 4-2-79; 8:45 am]

BILLING CODE 7590-01-M

Virginia Electric & Power Co., North Carolina Electric Membership Corp. and Old Dominion Electric Cooperative; Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated March 22, 1979, with respect to the construction permit application for Surry Power Station, Units No. 1 and No. 2 and North Anna Power Station, Units No. 1, No. 2, No. 3, and No. 4:

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase by North Carolina Electric Membership Corporation and Old Dominion Electric Cooperative of an ownership interest in the above captioned nuclear units.

"North Carolina Electric's proposed interest would be less than 20 MW per unit, and old Dominion's proposed interest would be between 20 MW and 80 MW per unit. The participation of these two entities in the nuclear units is the culmination of discussions beginning in 1972. Our earlier recommendation that it was not necessary for the Commission to conduct a hearing on the application by Virginia Electric and Power Company to construct certain units at the two plants was based, in part, on these discussions.[1]

"Our review of the information submitted in connection with the present application, as well as other relevant information, has disclosed no evidence that the proposed participation by Old Dominion and North Carolina Electric in the North Anna and Surry Units would either create or maintain a situation inconsistent with the antitrust laws under section 105(c). We do not, therefore, believe it is necessary for the Commission to hold an antitrust hearing on this matter."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 3, 1979 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[Docket Nos. 50-280A, 50-281A, 50-338A, 50-339A, 50-404A, and 50-405A]

[FR Doc. 79-9659 Filed 4-2-79; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on reactor Safeguards; Revised Notice of Meeting

Regarding the previous Federal Register Notice (published on March 21, 1979, Volume 44, p. 17237–8, as revised) for the meeting of the Advisory Committee on Reactor Safeguards to be held on April 5–7, 1979, in Washington, D.C., changes in schedule have been made as reflected below.

The agenda for the subject meeting will be as follows:

Thursday, April 5, 1979

8:30 a.m.–9:00 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will discuss candidates proposed for appointment to the Committee, as appropriate. Portions of this session will be closed as necessary to protect information the release of which would represent a clearly unwarranted invasion of personal privacy.

9:00 a.m.–12:00 Noon: Meeting with NRC Staff (Open)—The Committee will hear and discuss reports by the Staff regarding the basis for shutting down five nuclear plants to resolve piping questions and a recent incident at the Three Mile Island Nuclear Station Unit 2 which released primary coolant into the containment.

12:00 a.m.–1:00 p.m.: Executive Session (Open)— The Committee will discuss matters proposed for discussion with the Commissioners including the timing and scope of the ACRS annual report on the NRC Safety Research Program; combination of dynamic loads, including those generated by seismic events, as a design basis for nuclear facilities; and a recent incident at the Three Mile Island Nuclear Station Unit 2 which released primary coolant into the containment.

1:30 p.m.–3:00 p.m.: Meeting with NRC Commissioners (Open)—The Committee will meet with the Commissioners to discuss items noted above.

3:00 p.m.–4:30 p.m.: Meeting with Department of Energy (Open)—The Committee will hear a report and hold discussions regarding the safety related aspects of the Tokamak Fusion Test Reactor.

4:30 p.m.–6:30 p.m.: Anticipated Transients Without Scram (Open)—The Committee will hear reports from and hold discussions with members of the NRC Staff and representatives of the nuclear industry as appropriate regarding alternative nuclear plant modifications to resolve this issue. Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

Friday, April 6, 1979

8:30 a.m.–9:00 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the request for a permit to construct the Palo Verde Nuclear Generating Station Units 4 and 5.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and provisions for the physical protection of this station.

9:00 a.m.–10:30 a.m.: Palo Verde Nuclear Generating Station Units 4 and 5 (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the applicant regarding the request for a permit to construct this facility.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and provisions for the physical protection of this station.

10:30 a.m.–12:00 Noon: Executive Session (Open)—The ACRS will discuss its proposed reports to NRC regarding the Palo Verde Nuclear Generating Station, and Anticipated Transients Without Scram. The Committee will hear the report of its subcommittee and consultants who may be present regarding proposed operation of the Sequoyah Nuclear Plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to these facilities, provisions for physical protection of the Palo Verde plant and matters involved in adjudicatory proceedings.

1:00 p.m.–4:30 p.m.: Sequoyah Nuclear Plant (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the applicant regarding the request to operate this plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and provisions for the physical protection of this station.

4:30 p.m.—6:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the reports of ACRS Subcommittees and members on items related to nuclear power plant safety, including evaluation of systems interactions, design of integrated protection systems, the ODYN Code, regulatory activities, and degradation of engineered safety features at a nuclear power plant.

The Committee will discuss its proposed reports to the Nuclear Regulation Commission regarding the Palo Verde Nuclear Generating Station, the Sequoyah Nuclear Plant, and Anticipated Transients Without Scram.

Portions of this session will be closed as necessary to discuss Proprietary Information, provisions for physical protection of these stations and matters involved in adjudicatory proceedings.

Saturday, April 7, 1979

8:30 a.m.—10:30 a.m.: Executive Session (Open)—The Committee will discuss its proposed reports to the NRC on the Palo Verde Nuclear Generating Station, the Sequoyah Nuclear Plant, and the proposed resolution of Anticipated Transients Without Scram. Portions of this session will be closed as necessary to discuss Proprietary Information, provisions for physical protection of these stations, and matters involved in adjudicatory proceedings.

10:30 a.m.–12:00 Noon: Meeting with NRC Staff (Open)—The Committee will hold discussions with members of the NRC Office of Inspection and Enforcement regarding policies and practices related to the imposition of civil penalties, and consideration of a proposed rule to reduce

[1] This recommendation was contained in a letter of August 1, 1972, with regard to units 3 and 4 at the North Anna Power Station and in a letter of November 14, 1973, with regard to units 3 and 4 at the Surry Power Station.

the allowable limits on occupational radiation exposure.

The future schedule for ACRS activities will also be discussed.

12:00 Noon—12:30 p.m. and 1:30 p.m.—4:00 p.m.: Executive Session (Open)—The Committee will continue preparation of its reports to NRC on the Palo Verde Nuclear Generating Station, the Sequoyah Nuclear Plant, and Anticipated Transients Without Scram.

Portions of this session will be closed as necessary to discuss Proprietary Information, provisions for physical protection of these stations, and matters involved in adjudicatory proceedings.

The Committee will also discuss proposed comments and positions regarding other matters discussed during this meeting.

This meeting notice is being revised to include consideration of an unexpected incident at the Three Mile Island Nuclear Station Unit 2 on March 28, 1979 which resulted in a General Emergency being declared at this Station. Discussion by the ACRS will include reports by the NRC Staff regarding the status of the nuclear plant and interim measures taken to protect the public health and safety until final corrective action can be taken.

Further information regarding topics to e discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634/3265), between 8:15 a.m. and 5:00 p.m. EST.

March 29, 1979.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-10185 Filed 4-2-79; 8:45 am]

BILLING CODE 7590-01-M

Consolidated Edison Co. of New York, Inc., Issuance of Amendment To Facility and Termination of an Outstanding Order

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specification limits for total nuclear peaking factor (F_Q), accumulator water volume and hot channel factor normalized operating envelope.

The Commission also terminated its Order for Modification of License dated April 27, 1978 having determined that, upon issuance of this amendment, the requirements of that Order had been satisfied.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 5, 1979, (2) Amendment No. 52 to License No. DPR-26, (3) the Commission's related Safety Evaluation and (4) the Commission's Order for Modification of License dated April 27, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of March, 1979.

For the Nuclear Regulatory Commission

A. Schwencer, *Chief*

Operating Reactors Branch #1,

Division of Operating Reactors.

[Docket 50-247]

[FR Doc. 79-10187 Filed 4-2-79; 8:45 am]

BILLING CODE 7590-01-M

Florida Power & Light Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-41, issued to Florida Power and Light Company, which revised Technical Specifications for Operation of the Turkey Point Nuclear Generating Station Unit No. 4, located in Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment extends the current cycle 5 operating period before shutdown for steam generator inspections from six months to six months and ten days of equivalent operation (reactor coolant above 350°F).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 16, 1979, (2) Amendment No. 38 to License No. DPR-41, 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, N.W., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of March, 1979.

For the Nuclear Regulatory Commission,

A. Schwencer,

Chief, Operating Reactors Branch #1,

Division of Operating Reactors.

[Docket 50-251]

[FR Doc. 79-10788 Filed 4-2-79; 8:45 am]

BILLING CODE 7590-01-M

Georgia Power Co. et al.; Issuance of Amendments To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR–57 issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, (the facility) located in Appling County, Georgia. The amendment is effective as of the date of issuance.

The amendment is administrative in nature in that it revises the Administrative Controls section of the Technical Specifications by converting the entire section to a Standard format and content.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated January 24, 1977 and December 21, 1978, (2) Amendment No. 65 to License No. DPR–57, and (3) the Commission's letter dated March 26, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Library, Parker Street, Baxley, Georgia 31513. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of March 1979.

For the Nuclear Regulatory Commission,

Thomas A. Ippolito,

Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[Docket 50–321]

[FR Doc. 79–10189 Filed 4–2–79; 8:45 am]

BILLING CODE 7590–01–M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA working group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–08, "Surveillance of Important Systems and Components in Nuclear Power Plants," has been developed. An IAEA working group, consisting of Mr. J. Burtheret of France; Mr. P. V. Gujar of India; and Mr. R. E. Denton (Calvert Cliffs Nuclear Power Plant) of the United States of America, developed SG–08 from an IAEA collation during a meeting on February 12–23, 1979, and we are soliciting public comment on it. Comments on this draft received by May 15, 1979 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (5 U.S.C. 522(a))

Dated at Rockville, Md., this 26th day of March 1979.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 79–10192 Filed 4–2–79; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Niagara Mohawk Power Corp.; Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR–63 to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to delete the stress-corrosion cracking surveillance program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 11, 1977, (2) Amendment No. 30 to License No. DPR–63, 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, N. W., Washington, D.C.

and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 26th day of March 1979.

For the Nuclear Regulatory Commission,

Thomas A. Ippolito,

Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[Docket 50-220]

[FR Doc. 79-10190 Filed 4-2-79; 8:45 am]

BILLING CODE 7590-01-M

Niagara Mohawk Power Corp.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-63, issued to Niagara Mohawk Power Corporation, which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment consists of a major change to the Appendix B Environmental Technical Specifications.

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 prepared an environmental impact appraisal for this action has has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated June 1973.

For further details with respect to this action, see (1) the applications for amendment dated January 24, 1977, October 26, 1977, March 22, 1978 and June 22, 1978, (2) Amendment No. 29 to License No. DPR-63, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 26th day of March 1979.

For the Nuclear Regulatory Commission,

Thomas A. Ippolito,

Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[Docket No. 50-220]

[FR Doc. 79-10191 Filed 4-2-79; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

New England Power Co., et al.; Receipt of Additional Antitrust Information and Time for Submission of Views on Antitrust Matters

New England Power Company, Bangor Hydro-Electric Company, Canal Electric Company, Fitchburg Gas & Electric Light Company, Maine Public Service Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, Narragansett Electric Company, Taunton Municipal Lighting Plant, and Vermont Electric Cooperative, Inc., (applicants) pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on January 15, 1979, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. The information concerns two additional ownership participants, Maine Public Service Company and Massachusetts Municipal Wholesale Electric Company of the New England Power Project, Units 1 and 2 to be located in Washington County in Charlestown, Rhode Island.

The information was filed in connection with the application for construction permits filed by the New England Power Company.

Notice of Receipt of the Antitrust Application was published in the **Federal Register** under Docket No. P-533-A on July 7, 1975 (40 FR 28510).

A copy of the letter, dated January 15, 1979, filed by the New England Power Company is available for public inspection and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document rooms located at the Cross Mill Public Library, Old Post Road, Charlestown, Rhode Island 02813 and the University of Rhode Island, University Library, Government Publications Office, Kingston, Rhode Island 02881.

Any person who wishes to have his views on the antitrust matters with respect to the Massachusetts Municipal Wholesale Electric Company and Maine Public Service Company presented to the Attorney general for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before May 21, 1979.

Dated at Bethesda, Maryland, this 12th day of March, 1979.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[Docket Nos. STN 50-568-A and STN 50-569-A]

[FR Doc. 79-8175 Filed 3-26-79; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

American Variable Annuity Life Assurance Co. and American Variable Annuity Life Assurance Co. Separate Accounts D and E; Application Pursuant to Section 11 of the Act for an Order Approving a Certain Offer of Exchange

March 20, 1979.

NOTICE IS HEREBY GIVEN that American Variable Annuity Life Assurance Company (the "Company") and American Variable Annuity Life Assurance Company Separate Accounts D and E (the "Separate Accounts") 440 Lincoln Street, Worcester, MA 01605, as issuers of the Company's individual non-tax qualified variable annuity contracts to be funded by the Separate Accounts (the "Contracts") filed an application on February 26, 1979, pursuant to Sections 11(a) and 11(c) of the Investment Company Act of 1940 ("Act") for an order approving an offer of exchange by the Company and the Separate Accounts (collectively known as the "Applicants"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Company is a stock life insurance company organized under the provisions

of the Delaware Insurance Code in July 1974. It is the successor in interest by virtue of merger to the stock life insurance company of the same name which was incorporated in the State of Arkansas in January 1967. The Company is a wholly owned subsidiary of State Mutual Life Assurance Company of America ("State Mutual"), a mutual life insurance company incorporated under the laws of the Commonwealth of Massachusetts in 1844. The Company's principal operational office is in Worcester, MA. As of December 31, 1978, the Company had total assets in excess of $71 million and capital and surplus in excess of $4 million.

The Separate Accounts are separate accounts of the Company established by vote of the Board of Directors of the Company, pursuant to Section 2933 of the Delaware Insurance Code, on February 21, 1978, to fund certain of the Company's variable annuity contracts. The Separate Accounts are registered collectively as a unit investment trust under the Act. The assets of Separate Account D will be invested entirely in shares of Colonial Option Income Fund, Inc. (COIF); the assets of Separate Account E will be invested entirely in shares of Colonial Income Fund, Inc. (CIF) (hereinafter known as the "Funds").

Applicants propose to issue a new series of individual single payment deferred variable annuity contracts to be funded through the Separate Accounts. Net purchase payments, in a minimum amount of $10,000, may be allocated to either or both Separate Accounts, subject to a minimum of $1,000 allocated to each separate account to which net purchase payments are allocated.

From the single purchase payment the Company deducts a maximum charge of 7.75% for sales and administrative expenses and for a minimum preretirement death benefit. A charge is also made for applicable state premium taxes, if any. Premium taxes currently range from zero to 2.50%.

The Funds are registered as open-end diversified management investment companies under the Act. The Funds are managed and distributed by Colonial Management Associates, Inc. ("Colonial") which is a wholly-owned subsidiary of a wholly-owned subsidiary of State Mutual. Colonial is registered as an investment adviser under the Investment Advisers Act of 1940 and as a broker-dealer under the Securities Exchange Act of 1934, and is a member of the NASD. Colonial will also serve as principal underwriter for the Contracts.

Applicants state that the investment objective of CIF is to seek as high income as is consistent with prudent risk by investing in fixed-income securities and dividend-paying common stocks. The investment objective of COIF is to seek a high current return investing primarily in dividend-paying common stocks with respect to which call options are traded on national securities exchanges, selling covered call options on such stocks and entering into closing purchase transactions with respect to certain of such options.

In addition to serving as the funding vehicles for the Separate Accounts, CIF and COIF are open end mutual funds which are offered to the general public. CIF was originally offered to the public in 1969 and as of December 31, 1978, had net assets of approximately $265 million. COIF was originally offered to the public in 1977 and as of December 31, 1978, had net assets of approximately $161 million.

The minimum initial investment in shares of CIF and COIF is $250 (except for a $25 minimum in connection with certain contractual plans). Sales charges on purchase of shares of both CIF and COIF range from a maximum of 8.50% to a minimum of 1.25%.

Exchange Offer

Applicants propose that shareholders of CIF and COIF may exchange shares of such Funds for a Contract. Purchase payments for the Contract are amounts which result from the redemption of shares of the Fund by a shareholder who has elected to purchase a Contract. The amount of the purchase payment is the net asset value of the Fund shares redeemed for the purpose of purchasing a Contract at the time the election to purchase is made. The minimum single purchase payment in connection with an exchange is $5,000. At the time an initial purchase payment for a contract is received by the Company in connection with an exchange for Fund shares, a $50 fee will be deducted to reimburse the Company for contract issue and conversion expense. Other than such fee, no deduction for sales and administrative expense or the pre-retirement minimum death benefit will be made from the purchase payment. A charge will be made for state premium taxes, if applicable. Premium taxes currently range from 0% to 2.50%.

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company to make an offer to the holders of its securities (or of the securities of any other open-end investment company) to exchange those shares for the shares of the same or another such company on any basis other than the relative net asset values of the respective securities, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) applies the provisions of Section 11(a) irrespective of the basis of the exchange to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants state that the proposed exchange would occur on the application of the individual, and any issued Fund share certificates would be tendered to the Fund transfer agent for this purpose. the exchange would be on the basis of the net asset values of the securities to be exchanged, except for the $50 exchange fee and state premium taxes, if any, deducted at the time of exchange. Applicants assert that the exchange fee is deducted as reimbursement for the cost of establishing the variable annuity account, for the cost of issuing the Contract, and to cover expected expenses which result from the exchange of Fund shares for the Contracts. The amounts received from the exchange fee are not used to pay sales commissions but are devoted to costs related to initial administrative and conversion expenses.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 16, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues 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: 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 case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 16, 1979, 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 notice of further

developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Release No. 10631; 812-4439]

[FR Doc. 79-10050 Filed 4-2-79; 8:45 am]
BILLING CODE 8010-01-M

Columbia Gas Transmission Corp.; Proposed Acquisition by Subsidiary Company of Notes of Non-Associate Company

March 23, 1979

NOTICE IS HEREBY GIVEN that Columbia Gas Transmission Corporation ("Transmission"), 1700 MacCorkle Avenue, Charleston, West Virginia 25325, a nonutility subsidiary of Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9, 10 and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The proposed transactions relate to an advance payment arrangement between Transmission and Mesa Petroleum Company ("Mesa"), an unaffiliated corporation, contemplated to supplement the Columbia System's source of natural gas. Transmission is engaged in the business of producing, purchasing, transporting, storing and selling natural gas at wholesale, and other activities incident to that business. Transmission operates 10,100 miles of transmission pipeline in the Columbia System service area and sells approximately one-half of its gas to the seven affiliated retail gas distribution subsidiaries of Columbia, servicing customers in the states of Ohio, Maryland, Kentucky, Virginia, West Virginia, New York and Pennsylvania. Transmission proposes to finance the costs of exploration and development by Mesa of certain undivided interests owned by Mesa in leases covering South Pass Area Blocks Nos. 57 and 58 ("Blocks") located in the offshore area of the Gulf of Mexico. Pursuant to a Loan Agreement dated November 22, 1978 ("Loan Agreement"), between Transmission and Mesa, Transmission proposes to make a series of cash loans to Mesa not to exceed $17,092,000, commencing in 1979 and continuing through 1981, for exploration and development by Mesa of these leases. In return for such financing, Mesa shall commit to Transmission, and Transmission shall have the right to elect to purchase all of the gas reserves attributable to Mesa's interest in such leases. The proven and probable reserves in the Blocks are estimated at 40 billion cubic feet of gas.

Mesa will deliver to Transmission, at the time of the initial loan advance, Mesa's executed promissory note ("Note") for the principal sum of $17,092,000. Provision is made in the Note for recordation on a Schedule of Advances and Payments of Principal of successive amounts of Transmission's loan advances to Mesa commencing with the initial loan. The Note will be payable on or before January 1, 1989 and will bear interest at a rate equal to the annual prime rate of interest charged by Continental Illinois National Bank and Trust Company of Chicago for loans to its most substantial and responsible borrowers in effect from time to time during the term of the Note plus one percent. It shall be secured by a mortgage covering the Blocks and all gas produced therefrom. Under the Loan Agreement, which is incorporated by reference in the Note, Mesa is obligated to repay Transmission the total amount of loan advances, plus interest, for each Block which becomes productive, in five equal annual installments starting one year after initial delivery of gas has commenced from such Blocks. If it is determined that gas cannot be produced in commercial quantities from a Block, then Mesa is to repay the advances, plus interest, for such Block in five equal annual installments commencing one year after such determination.

The Loan Agreement provides that at such time as Mesa considers the gas reserves developed from the leases are sufficient to warrant production and sales, Transmission shall have the right to elect to purchase all the gas attributable to Mesa's interest in the Blocks. If it so elects, such purchases would be made pursuant to a gas contract to be entered into which would contain substantially the same terms as the Gas Purchase and Sales Agreement filed as an exhibit to the filing. Transmission would be obligated to either take or pay for such gas in accordance with the terms set forth in that Agreement. The Loan Agreement provides that the contract price for such gas shall be the greatest of either (a) an initial contract price and escalations thereto which would be negotiated at the appropriated time or in the event such price is not agreed to within a specified period of time, such initial price as is arrived at by a specified procedure, or (b) the highest price then being filed by producers with the Federal Energy Regulatory Commission ("FERC") or other governmental authority having jurisdiction for gas sold in interstate commerce in the Southern Louisiana and Offshore Area or Texas Gulf Coast Area under conventional certificates, or (c) $2.25 per Mcf but in no event less than the highest price allowed by FERC, Congress or any other successor agency having jurisdiction prior to the time of price deregulation.

Transmission currently anticipates that it will obtain the monies required for its loan advances to Mesa in 1979 from internal funds generated from Transmission's operations. If, however, Transmission must secure such loans from Columbia, it will meet this requirement, as well as those for 1980 and 1981, by including provisions for the years involved in the annual financing programs filed by Columbia and its subsidiaries with the Commission. The overall cost of equity and debt capital for Transmission is 9.94%.

It is requested that authorization be granted to file certificates of notification under Rule 24 on a quarterly basis.

The fees and expenses incurred or to be incurred in connection with the proposed transactions are estimated at $8,100, including charges for services of Columbia Gas System Service Corporation estimated at $5,800. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 16, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addressed, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule

23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[Release No. 20971; 70-6248]

[FR Doc. 79-10051 Filed 4-2-79; 8:45 am]

BILLING CODE 8010-01-M

Enervest, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for Order Declaring That Applicant Has Ceased To Be an Investment Company.

March 21, 1979.

Notice is hereby given that Enervest, Inc. ("Applicant") Suite 269, Woodside Plaza I South Syracuse Circle Englewood, Colorado 80110, registerd under the Investment Company Act of 1940 (the "Act") as a diversified, closed-end, management investment company, and licensed as a small business investment company ("SBIC") under the Small Business Investment Act of 1958, filed an application on December 29, 1978, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act.[1] All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was incorporated for the purpose of obtaining its license to operate as an SBIC, and that it is a lawfully organized and validly existing corporation under the laws of the State of Colorado. Applicant further states that on November 22, 1977, it filed a registration statement under the Securities Act of 1933, and that on December 12, 1977, it registered under the Act. According to the application, a public offering of Applicant's securities has not been made and, as of December 29, 1978, Applicant had 19 shareholders. Applicant states that it does not intend to make a public offering of its securities and will take all appropriate steps necessary to avoid obtaining more than 100 shareholders. Thus, applicant asserts that it is excepted from the Act's definition of "investment company" by Section 3(c)(1) of the Act. Section 3(c)(1) of the Act, in pertinent part, excepts from the Act's definition of "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Applicant states that its net worth as of October 31, 1978, was approximately $629,443, and that it has no intention of liquidating its assets, but rather intends to continue to invest and reinvest such assets in securities issued by small business concerns as defined in the Small Business Investment Act of 1958. Applicant also states that, it does not have any debts or liabilities other than trade accounts payable, payroll taxes, accrued tax liabilities, and approximately $3,500 in long-term debt and $3,000 in short-term debt, and that as of October 31, 1978, its total liabilities were approximately $38,300. Applicant asserts that it could operate more efficiently without being subject to the requirements of the Act.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 13, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of and attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[Release No. 10632; 811-2793]

[FR Doc. 79-10052 Filed 4-2-79; 8:45 am]

BILLING CODE 8010-01-M

[1] Applicant originally registered under the Act as Energy Investments, Inc.

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 21, 1979.

On February 2, 1979, the New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, New York 10005, 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 amends Article VII of the NYSE Constitution to provide, among other things, for selection of persons to the NYSE's Nominating Committee for a two-year term of service with staggered terms and, with respect to the chairmanship of this Committee, to provide that no person may serve consecutive terms and that the holder of this position will alternate between a public representative and a member or allied member of the NYSE.[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. 15560, February 9, 1979) and by publication in the **Federal Register** (44 FR 10164, February 16, 1979). 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.

[1] The NYSE Board of Directors approved the above-mentioned amendments to the NYSE Constitution on February 1, 1979. The NYSE membership voted its approval of those amendments on February 16, 1979; the latter event was confirmed in Amendment No. 1 to File No. SR-NYSE-79-7.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therfore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

Shirley E. Hollis,
Assistant Secretary.

[Release No. 15683; File No. SR-NYSE-79-7]

[79-10049 Filed 4-2-79; 8:45 am]

BILLING CODE 8010-01-M

Ready Reserves Trust; Filing of Application Pursuant to Section 6(c) of the Act for Order of Exemption From Rules 2a-4 and 22c-1 Under the Act

March 22, 1979.

Notice is hereby given that Ready Reserves Trust ("Applicant") 100 Federal Street Boston, Massachusetts 02110, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on February 12, 1979, and an amendment thereto on March 14, 1979, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a-4 and 22c-1 under the Act, to the extent necessary to permit Applicant to compute its net asset value per share, for the purpose of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC-9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that its investment objective is to obtain the maximum current income which is considered consistent with preservation of capital. To fulfill this objective, Applicant presently invests in a variety of money market instruments maturing generally within eighteen months, including U.S. government securities, bank obligations, high grade commercial paper and other corporate obligations, and repurchase agreements.

Applicant represents that it presently values all of its protfolio assets on the basis of market quotations. Where market quotations are readily available, securities are valued at the current bid price. Any securities for which market quotations are not readily available, and other assets, would be valued at fair value as determined in good faith by Applicant's Trustees. Generally, short-term obligations for which market quotations are not readily available would be valued on the basis of market quotations for comparable securities.

Applicant states that its net income, which is determined and declared as a dividend each day, presently includes all realized and unrealized gains and losses on Applicant's portfolio assets. Thus, Applicant is able to maintain a constant net asset value per share, presently at $10 per share, immediately after each such determination and dividend declaration. Applicant further states that since all of its assets are valued on the basis of current market quotations, and because realized and unrealized gains and losses on such assets are reflected in Applicant's daily distributions of income, fluctuations in the value of Applicant's assets have an effect on the amount of income Applicant distributes each day.

Applicant asserts that the institutional investors it wishes to attract require a money market fund which maintains a constant net asset value per share and which pays dividends which do not fluctuate on account of daily changes in the values of its portfolio assets. Accordingly, Applicant proposes to:

A. Reduce its net asset value per share to $1.00, by means of a 10-for-1 split-up of its shares.

B. Effect sales, repurchases and redemptions of its shares at prices calculated to the nearest one cent on a share having a $1.00 nominal value.

C. Value its portfolio securities with remaining maturities of 60 days or less on the basis of amortized cost, while retaining its present method of valuation based on market quotations, as described above, for securities with remaining maturities of more than 60 days.

D. Limit its investments to instruments having a maturity of one year or less (although obligations subject to repurchase agreements may have a maturity in excess of one year), and maintain the average maturity of all instruments (on a dollar-weighted basis) to 120 days or less.

E. Change its present method of determining net income, as described above, to exclude realized and unrealized gains and losses.

F. Limit the type of investments in which it may invest to the following:

1. Obligations issued or guaranteed by the United States or by any agency or instrumentality of the United States;

2. Obligations of banks (including certificates of deposit and bankers' acceptances) having at least $1,000,000,000 in deposits as of their most recently published financial statements;

3. Commercial paper, including master notes, which at the date of investment is rated within the two highest grades by Standard & Poor's Corporation (A-1 or A-2), by Moody's Investor's Service (P-1 or P-2), or by Fitch's Investor's Service (F-1 or F-2), or, if not rated, is issued by a company which at the date of investment has an outstanding issue rated A or better by Standard & Poor's or Moody's;

4. Corporate obligations which at the date of investment are rated A or better by Standard & Poor's or Moody's; and

5. Repurchase agreements (agreements under which the seller agrees at the time of sale of a security to repurchase the security at an agreed time and price) for any security (but regardless of its maturity) in which Applicant is permitted to invest; provided that such agreements are limited to transactions with financial institutions believed by Applicant's investment adviser to present minimal credit risks.

Applicant states that it may issue more than one series of shares, in which case each series would also be restricted to the proposed new investment policies and maturity limitations enumerated above.

Rule 22c-1 under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the the current net asset value of such security. Rule 2a-4 under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to (1) current market value, for portfolio securities with respect to which market quotations are readily available, and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In IC-9786 the Commission expressed its view, as here pertinent, that it is inconsistent with Rule 2a-4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a

calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' portfolio valuation as required by Rule 2a–4.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisons of the Act and the rules thereunder, if and to the extent that 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.

Applicant submits that the requested exemption is 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 because it will enable Applicant to maintain, under ordinary circumstances, the constant net asset value of $1.00 per share as well as the steady flow of investment income which institutional investors want in a money market fund investment. Applicant has agreed, in order to attempt to assure the stability of its price per share, that the following conditions may be imposed in the order it seeks:

1. Applicant's Trustees, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest cent, will not deviate from one dollar.

2. Applicant will limit the type of investments in which it may invest to the following:

A. Obligations issued or guaranteed by the United States or by any agency or instrumentality of the United States;

B. Obligations of banks (including certificates of deposit and bankers' acceptances) having at least $1,000,000,000 in deposits as of their most recently published financial statements;

C. Commercial paper, including master notes, which at the date of investment is rated within the two highest grades of Standard & Poor's Corporation (A–1 or A–2), by Moody's Investor's Service (P–1 or P–2), or by Fitch's Investor's Service (F–1 or F–2), or, if not rated, is issued by a company which at the date of investment has an outstanding issue rated A or better by Standard & Poor's or Moody's;

D. Corporate obligations which at the date of investment are rated A or better by Standard & Poor's or Moody's; and

E. Repurchase agreements (agreements under which the seller agrees at the time of sale of a security to repurchase the security at an agreed time and price) for any security (but regardless of its maturity) in which Applicant is permitted to invest; provided that such agreements are limited to transactions with financial institutions believed by Applicant's investment adviser to present minimal credit risks.

3. Applicant will modify the present limitations on the maturity of its investments as follows: investment will be made only in instruments having a maturity of one year or less (although obligations subject to repurchase agreements may have a maturity in excess of one year), and the average maturity of all instruments (on a dollar-weighted basis) will be maintained at 120 days or less.

Notice is further given that any interested person may, not later than April 16, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Release No. 10638; 812–4433]

[FR Doc. 79–10054 Filed 4–2–79; 8:45 am]
BILLING CODE 8010–01–M

Rowe Price New Horizons Fund, Inc; and Valmont Industries, Inc; Filing of Application Pursuant to Section 17(b) of the Act for an Order Exempting a Proposed Transaction From the Provisions of Section 17(a) of the Act

March 23, 1979.

Notice is hereby given that Rowe Price New Horizons Fund, Inc. ("New Horizons") 100 East Pratt Street, Baltimore, Maryland 21202, registered under the Investment Company Act of 1940 ("Act") as a deversified open-end management investment company, and Valmont Industries, Inc. ("Valmont") Valley, Nebraska 68064, (hereinafter collectively "Applicants") filed an application on January 22, 1979, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed sale by New Horizons to Valmont of 90,000 shares of Valmont common stock currently held by New Horizons. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein, which are summarized below.

The application states that Valmont, which is engaged in the business of metal fabrication primarily for agricultural equipment, proposes to purchase from New Horizons, and New Horizons proposes to sell to Valmont, 90,000 shares of Valmont's $1.00 par value common stock at a cash price of $13.00 per share net to New Horizons. The 90,000 shares constitute all shares of Valmont stock owned by New Horizons and represent approximately 5.36% of the 1,678,065 shares of Valmont common stock which were issued and outstanding when the sale agreement was entered into on December 21, 1978.

Applicants represent that New Horizons and its officers and directors are unrelated to Valmont and its officers and directors, except by virtue of the investment of New Horizons in the common stock of Valmont. Applicants represent that there is no control relationship between Valmont and New Horizons, that New Horizons has no representative on the board of Valmont and that New Horizons has never exercised direct or indirect influence

over the management and operations of Valmont.

Applicants state that Valmont advised New Horizons that, in view of the then-existing premium over the market price proposed to be paid to New Horizons for the Valmont shares, the board of directors of Valmont determined to make the same price available to its other shareholders. Accordingly, on December 21, 1978, Valmont announced a tender offer to its shareholders to purchase 500,000 shares of its common stock for cash at $13 per share net to the seller.

Because the Fund's ownership of Valmont common stock exceeds five percent of the outstanding voting securities of Valmont, Valmont is an "affiliated person" of the Fund within the meaning of Section 2(a)(3) of the Act. Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell or to purchase from such registered company any security or other property, subject to certain exceptions not relevant here. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants represent that the price of $13.00 per share net was established by arm's length negotiations between New Horizons and Valmont. The bid and asked price of Valmont shares on December 21, 1978, were $8.50 and $9.25 per share respectively. Valmont submits that the then-current market price for Valmont shares did not reflect the true value of Valmont's assets and business and that it considers the purchase of its common stock at $13.00 per share to be a prudent investment and an appropriate use of its funds. Applicants further maintain that T. Rowe Price Associates, Inc., the investment adviser to New Horizons, has been recommended that New Horizons sell the Valmont shares to Valmont at the agreed price.

Applicants state that Valmont is expected to have earnings per share for 1978 in the range of $1.35 to $1.45 as compared to earnings per share in 1977 of $1.75. The price range for Valmont shares in the last quarter of 1978 was from a low of $8.50 to a high of $13.25 per share. The book value of the shares as of September 30, 1978, was $19.61 per share. Applicants represent that Valmont will bear all expenses in connection with the proposed transaction.

Applicants maintain that the proposed transaction is consistent with the long-term growth of capital investment objective of New Horizons in that alternative investments would be more attractive to the Fund. Applicants further maintain that the proposed transaction is consistent with the general purposes of the Act in that the proposed transaction will not result in any change in control of Valmont and that the price to be paid for the shares is the same price which Valmont offered to all of its shareholders pursuant to a tender offer. Furthermore, Applicants maintain that the proposed transaction will not result in any of the adverse effects of the sort identified in Section 1 of the Act.

Notice is further given that any interested person may, not later than April 16, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[Release No. 10643; 812–4423]

[FR Doc. 79–10053 Filed 4–2–79; 8:45 am]

BILLING CODE 8010–01–M

Scudder Managed Reserves, Inc.; Filing of Application for Order Pursuant to Section 6(c) of the Act exempting Applicant From Section 10(b)(2) of the Act.

March 22, 1976.

Notice is hereby given that Scudder managed Reserves, Inc. ("Applicant") 175 Federal Street, Boston, Massachusetts 02110, registered under the Investment Company Act of 1940 ("Act") as an opened, diversified, management investment company, filed an application on July 3, 1974, and amendments thereto on December 27, 1977, and December 18, 1978, for an order pursuant to Section 6(c) of the Act, exempting Applicant from Section 10(b)(2) of the Act to permit all but one of Applicant's directors to be interested persons of its principal underwriter. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant ws incorporated under Maryland law on May 31, 1974, and that Scudder, Stevens & Clark ("Adviser"), a partnership registered under the Investment Advisers Act of 1940, has agreed, pursuant to an investment advisory contract: (1) to use its best efforts to provide Applicant with a continuing investment program consistent with the investment objectives and policies of Applicant, and (2) to pay Applicant's office rent, and the executive salaries and expenses of all officers of Applicant. The application further states that Applicant will pay Adviser a fee, computed and accrued daily and payable monthly, at an annual rate of ½ of 1% of Applicant's average net assets. According to the application, Scudder Fund Distributors, Inc. ("Distributors"), a wholly-owned subsidiary of Adviser, serves as the principal underwriter of Applicant's shares pursuant to an underwriting agreement [1], and that,

[1] Applicant states that by letter dated July 23, 1974, the Division of Investment Management stated that it would not recommend that the Commission take enforcement action if Applicant and Distributors entered into an underwriting agreement pending Commission action on Applicant's request for exemption from the provisions of section 10(b)(2).

pursuant to such agreement. Distributors currently offers Applicant's shares to investors in those states in which the shares are qualified for sale and in which Distributors is qualified as a broker-dealer. Applicant states that its shares are sold to investors at net asset value, without the impositon of any sales commissions or sales loads.

Section 10(b)(2) of the Act provides, in part, that no registered investment company shall use as a principal underwriter of securities issued by it, any director, officer or employee of such registered company or any person of which any such director, officer, or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested persons of any such principal underwriters. Section 2(a)(19) of the Act provides, in part, that when used with respect to an investment adviser of or principal underwriter for any investment company, the term "interested person" includes any affiliated person of such investment adviser or principal underwriter.

Section 10(d) of the Act provides that a registered investment company may have a board of directors all the members of which, except one, are interested persons of the investment adviser of such company or interested persons of officers or employees of the company, provided that certain requirements are met. Applicant states that it is presently an investment company which complies with Section 10(d) of the Act; that it presently has a board of directors a majority of which are interested persons of both its principal underwriter and its adviser; and that it is intended that Applicant and Adviser shall continue to comply with all the requirements of Section 10(d) of the Act.

Applicant requests that, in addition to the permission granted by Section 10(d) to have all but one of its directors interested persons of Adviser, it be permitted to have all one of its directors interested persons of its principal underwriter. Thus, Applicant seeks an order pursuant to Section 6(c) of the Act, exempting Applicant from Section 10(b)(2) of the Act to permit all but one of its directors to be interested persons of Distributors.

Section 6(c) of the Act provides, in 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 or provisions of the Act or of any rule or regulation thereunder, if and to the extent that 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.

Applicant states that it desires to establish a method for wide distribution of its shares, and that it believes that this can best be accomplished through a principal underwriter. Applicant further states that it does not wish to charge a sales load, and that, because it wishes to remain a Section 10(d) company, its sales expenses are strictly limited. Applicant submits that, under these circumstances, only Adviser, or a company wholly-owned by Adviser or its partners, could afford to undertake the expense of serving as principal underwriter for Applicant.

Applicant states that, becaue Distributors is a wholly-owned subsidiary of Advisers, it is almost inevitable that all or nearly all of Applicant's directors who are interested persons of Adviser would also be interested persons of Distributors. Applicant submits that the reasons for permitting an investment company which meets the requirements of Section 10(d) to have only one director who is not an interested person of its investment adviser are equally persuasive for permitting Applicant to have only one director who is not an interested person of its principal underwriter.

Notice is further given that any intrested person may, not later than April 13, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificat) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[Release No. 1C10640; 812–3665]

[FR Doc. 79–10055 Filed 4–2–79; 8:45 am]

BILLING CODE 8010–01–M

North Carolina Tax-Exempt Bond Fund, Series One (and Subsequent Series) and First Charlotte Corp.; Filing of Application for an Order of the Commission Pursuant to Section 6(c) of the Act Granting Exemptions From the Provisions of Section 14(a) of the Act and From Rules 19b–1 and 22c–1 Under the Act

March 26, 1979.

Notice is hereby given that the North Carolina Tax-Exempt Bond Fund, Series One (and Subsequent Series) (the "Fund") 2400 First Union Tower, Charlotte, North Carolina 28282, a unit investment trust registered under the Investment Company Act of 1940 (the "Act") and its sponsor, First Charlotte Corporation (the "Sponsor") (hereinafter the Sponsor and the Fund are collectively referred to as "Applicants") have filed an application on February 23, 1979, and an amendment thereto on March 22, 1979, pursuant to Section 6(c) of the Act for an order of the Commission exempting the Applicants from the provisions of Section 14(a) of the Act and exempting the frequency of the capital gains distributions of the Fund and the secondary market operations of the Sponsor from the provisions of Rule 19b–1 and Rule 22c–1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Series 1 of the Fund ("Series 1") is a unit investment trust, and is the first of a series of similar but separate trusts that the Sponsor intends to form (hereinafter Series 1 and all such Subsequent Series are collectively referred to as the "Series"). The Series will be created under the laws of the State of New York or the State of North Carolina pursuant to separate trust agreements that will contain 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 tax-exempt income through the investment in a portfolio of securities consisting of interest-bearing obligations of the State of North Carolina and territories and possessions of the United States and political subdivisions and authorities thereof, the interest on which is exempt for both federal and North Carolina income taxation (the "Bonds"). The Bonds that will constitute the portfolio of each Series will be selected in advance and will be identifiable in respect to 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 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 the Fund.

Each Series of the Fund will be governed by the provisions of a trust agreement (the "Agreement") to be entered into by the Sponsor and a corporation organized and doing business under the laws of the United States or New York or North Carolina, that 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 $50,000,000 ("Trustee"). It is contemplated that United States Trust Company of New York will serve as Trustee for Series 1. Standard & Poor's Corporation will serve as Evaluator for Series 1. A separate Agreement will be entered into each time a Series is created and activated and the Bonds that comprise its portfolio (or delivery statements relating to contracts for the purchase of such Bonds together with funds represented by cash or an irrevocable letter of credit issued by a 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 Fund is created, the Sponsor and the Trustee will enter into an Agreement and the Bonds to constitute such Series of the Fund (or delivery statements relating thereto and funds for the purchase thereof as set forth above) will be delivered to and deposited with the 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 Fund. These Units will be separately offered for sale to the public at prices based upon their then respective current net asset values plus a sales charge, after the registration statement filed in respect thereto under the 1933 Act has become effective.

The Applicants state that the Bonds 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 expects to accumulate Bonds for the purpose of deposit in Series 1 and expects to follow a similar procedure of accumulating Bonds for each subsequent Series.

The assets of the Fund may consist of Bonds initially deposited, such Bonds as may continue to be held from time to time in exchange for or substitution of any of the Bonds, accrued and undistributed interest, undistributed cash. Certain of the Bonds may from time to time be sold under the circumstances set forth in the Agreement, or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to the holders of Units of the Fund ("Unitholders") and not reinvested.

Each Unit of the Fund 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 Agreement. The Agreement may be terminated by 66⅔% agreement of the Unitholders of a Series or, in the event that the value of Bonds falls 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 Agreement 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, while under no obligation to do so, intends to maintain a market for whole Units of the Fund and to offer to purchase such Units at prices in excess of the redemption price as set forth in the Agreement. 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 twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

The Applicants seek an exemption from the provisions of Section 14(a) of the Act in order that a public offering of Units of the Fund 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 ninety days from the time that a registration statement for a Series becomes effective under the 1933 Act, 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 Bonds 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% of the principal amount of Bonds originally deposited for such Series, the Trustee shall terminate the Series in the manner provided in the Agreement and distribute any Bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (3) in the event of termination for the reasons described in (2) above, to refund any sales chrges to any purchasers of Units purchased from the Sponsor, on demand and without any deduction. Thus, the 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 19b–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 of such

investment company. 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 either monthly or quarterly. The Applicants represent that distributions of principal on each Series constituting capital gains to Unitholders may arise in the following instances: (1) If an issuer calls or redeems an issue of Bonds held in the portfolio, the sums received by the Fund 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 Bonds from the portfolio are sold to provide the funds necessary for such redemption, each Unitholder will receive his pro-rata portion of the proceeds from the Bonds sold over the amount required to satisfy such redemption distribution; (3) if Bonds held in the portfolio are sold to maintain the investment stability of a Series of the Fund, the sums received by the Fund may be distributed on a pro-rata basis to each Unitholder on the next distribution date; and (4) as Bonds mature by the terms, the sums received by the Fund 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 that constitute capital gains, because in some cases the value of the Bonds redeemed or sold may have increased since the date of their acquisition by the Fund.

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. The 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 the 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 Fund would be forced to hold any monies that 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, the Applicants state that the dangers which Rule 19b–1 is intended to guard against do not exist in the situation at hand because neither the Sponsor nor the Fund has control over events which might trigger capital gains e.g., the tendering of Units for redemption and the prepayment of portfolio Bonds by the issuers. In addition, it is contended that any capital gains distribution will be clearly indicated as capital gains in the accompanying report by the Trustee to the Unitholder. Furthermore, the Applicants assert that the sale of Bonds in an effort to maintain the investment stability of a Series of the Fund 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 Bonds, an action involving the issuer thereof that will adversely affect its ability to continue payment of the principal and the interest on its Bonds, or an adverse change in the market, revenue or credit factors affecting the investment stability of the Bonds. Finally, the Applicants contend that sale of Bonds in an effort to maintain investment stability of any Series is not expected to result in capital gains distributions to the Fund or its Unitholders because the above factors will normally have a depressing effect on the market value of the Bonds.

Rule 22c–1

The Applicants state that following the initial offering period, the Sponsor, while not obligated to do so, intends to offer to purchase whole Units in the secondary market at prices based on the offering side evaluation of the Bonds in any Series, determined on the last business day of each week, effective for all sales made during the following week.

The Applicants 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 formal evaluation. The Sponsor agrees that, in the 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 ($5.00 on a unit representing $1,000.00 principal amount of underlying Bonds greater than the current offering price, a formal 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 Fund and will benefit the Unitholders by providing a repurchase price for their Units that 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.

The Applicants 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 of the Sponsor 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. The Applicants contend, however, that the purposes of Rule 22c–1 will not be frustrated by the Sponsor in the proposed secondary market activities. The Applicants assert that the pricing of Units by the Sponsor in the secondary market will in no way dilute the assets of the Fund, and that Unitholders will benefit from the Sponsor's pricing procedure in he secondary market because they will normally receive a higher repurchase price for their Units than they could obtain by redeeming their Units at the current net asset value, and that this will be accomplished without the cost burden to the Fund of daily evaluations of the Units' redemption value.

The Applicants also contend that speculation in Units of any Series is unlikely because price changes are limited in respect to the kind of Bonds that will be held by such Series. In addition, the Applicants argue that because of the nature of the Bonds 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 in the secondary market any Units that it may repurchase at a price below the offering side evaluation of the Bonds in any Series.

The Applicants therefore request an exemption from the provisions of Rule

22c–1 for 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 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 April 19, 1979, 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 the 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.

George A. Fitzsimmons,
Secretary.

[Release No. 10645; 812–4445]

[FR Doc. 79–10056 Filed 4–2–79; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

New Mexico; Declaration of Disaster Loan Area

The above numbered Declaration (see 44 F.R. 12530), is amended by adding the following county:

Luna County Natural disaster(s)—Excessive rains, Date occurred before 10/1/78 Pub. L. 95–89—9/1/78–2/15/79; and adjacent counties within the State of New Mexico as a result of natural disasters as indicated. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on August 23, 1979, and for economic injury until the close of business on November 23, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)
Dated: March 28, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area 1564; Amdt.]

[FR Doc. 79–10217 Filed 4–2–79; 8:45 am]

BILLING CODE 8025–01–M

Program Activities in Field Offices; Delegations of Authority

Delegation of Authority No. 30, Rev. 15, republished in the **Federal Register** on November 24, 1978, (43 FR 55220), as amended (44 FR 963 and 44 FR 5039), is further amended to delegate certain authority for 8(a) contracting to District Directors in the Detroit and Columbis District offices.

Accordingly, Part VI of Delegation of Authority No. 30, Revision 15, is amended as follows:

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

* * * * *

Section B—Section 8(a) Contracting Authority (SBAct).

1. * * *

f. District Directors, New York, Newark, Chicago, Detroit, and Columbus, D/O's only; $350,000.

* * * * *

2. * * *

f. District Directors, New York, Newark, Chicago, Detroit, and Columbus, D/O's only; $350,000.

* * * * *

3. * * *

f. District Directors, New York, Newark, Chicago, Detroit, and Columbus, D/O's only; $350,000.

* * * * *

Effective date: April 3, 1979.

Dated: March 28, 1979.

Harold A. Theiste,
Acting Associate Administrator for Operations.

[Delegation of Authority No. 30, Rev. 15, Amdt. 27]

[FR Doc. 79–10216 Filed 4–2–79; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Agency for International Development

Response to Executive Order No. 12044 Improving Government Regulations, Improving AID Regulations

AGENCY: Agency for International Development.

ACTION: Final report.

SUMMARY: The Agency for International Development (AID) is publishing this report as required by Section 5(b) of Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978). This report includes (1) AID's process for developing regulations; (2) criteria for defining significant regulations and identifying those which require regulatory analyses; (3) criteria for selecting existing regulations to be reviewed; and (4) a list of regulations to be included in the initial review.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Ellis, Office of Management Planning, Agency for International Development, 202–632–4030.

I. Background

In response to the executive order, AID is adopting procedures for the development and review of its regulations which affect the public, to provide for early citizen participation where appropriate, and to assure that our regulations are written simply and clearly.

As a foreign affairs agency without domestic programs, AID currently maintains only 13 regulations which affect the U.S. public. All are considered to be "significant" in terms of Section 2.(3). of the Executive Order but none appears to require "Regulatory Analysis" as described in Section 3. Since AID programs are not directed to U.S., state or local governments, we do not have any regulations or special procedures which apply to them.

II. Policy

It shall be AID policy to ensure that our existing and future regulations serve a clearly established purpose, are periodically reviewed by policy officials, minimize the impact of cost and

paperwork on the public, be submitted for early public comment wherever possible, and be drafted as concisely and clearly as possible.

III. Process for Developing Regulations

AID Regulations or amendments to them are drafted and cleared within AID by the office having responsibility for the subject matter concerned. After approval by the Administrator of the Agency, or duly designated official in the case of minor routine changes, they are published in the **Federal Register**, in accordance with the Administrative Procedure Act, and codified in the Code of Federal Regulations (CFR). They are also published in the AID directives system.

Procedures in AID Handbook 18, Part I, Chapter 6, relating to AID. Regulations are being modified to require that an "author" office considering the proposal of a significant and substantive amendment to an existing regulation, or a new regulation, obtain the concurrence of the Administrator of AID in principle to the development of the proposal. This is to be accomplished by an action memorandum for the approval of the Administrator, explaining the need for the proposal, and whether it is (1) mandated by statutory change, Executive Order, or instructions from another U.S. Government agency such as Treasury, OMB or Commerce in its area of authority with little or no discretion to the Agency, or (2) whether it is required by internal AID conditions such as reorganization, management improvement, or changes in program emphasis, and that, therefore, public comment is appropriate. The memorandum will also (1) explain how the direct and indirect effects of the proposal have been considered; (2) describe the alternative approaches which have been considered; and the least burdensome of the acceptable alternatives which has been chosen; (3) estimate the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation; and (4) indicate if a plan for evaluating the regulation after its issuance has been developed.

Other points to be considered are the type and number of individuals, businesses, and organizations affected; the compliance and reporting requirements likely to be involved; direct and indirect effects of the regulation including the effect on competition; and the relationship of the regulation to those of other programs and agencies.

The action memorandum will be cleared, as appropriate, by the AID geographic and technical bureaus and staff offices concerned, the Office of the General Counsel, the Office of Management Planning, and the Assistant Administrator for Program and Management Services before it is submitted to the Administrator for his approval to proceed with the development of the proposal. At the present time, AID does not contemplate the development of any new regulations, but in the future all will be offered for public comment for a sixty-day period except in exceptional cases when circumstances require a shorter period. In such instances the proposed regulation will be accompanied by a brief statement of the reasons for a shorter time period. We plan to establish a schedule by which each of our regulations will be reviewed triennially. We are also reviewing our internal directives to determine whether they contain any material which ought to be made more readily available. As indicated, the Administrator of the Agency, or the duly designated official, shall approve regulations before they are published as final rules. At a minimum, AID will determine that:

—the regulation is needed and its effect considered;

—alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

—public comments have been considered, where appropriate, and an adequate response has been prepared;

—the regulation is written in plain English and is understandable to those who must comply with it;

—an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulations;

—the name, address and telephone number of a knowledgeable AID official are included in the publication; and

—a plan for evaluating the regulation after its issuance has been developed.

An agenda listing any proposing new or amended regulations and existing regulations under review will be published semiannually in the **Federal Register**. The agenda will include an explanation of the need for the action and a contact person in AID. In those instances when a regulation is being amended solely to reflect a specific statutory or regulatory mandate imposed upon AID, and when such mandate permits little or no discretion to AID, the requirement for public participation may be waived. Our agendas will be approved by the Administrator and will describe any new regulations being considered by the agency, the need for and the legal basis for the action being taken, and the status of regulations previously listed on the agenda. Each item on the agenda will include the name and telephone number of a knowledgeable Agency official and state whether or not a regulatory analysis will be required. Our agendas will only include existing regulations scheduled to be reviewed in accordance with Section 4 of this Order, until such time as AID has a new regulation under consideration. A complete plan for the triennial review of all thirteen AID regulations is attached to this report, showing the number and subject of the regulation, the agenda on which it will appear, and the date by which our review will be completed. The first agenda will be published in the **Federal Register** on or about February 1, 1979.

IV. Criteria For Determining Significant Regulations

Although we are defining all present A.I.D. regulations as "significant" the following preliminary criteria will be used for determining if future regulations should be so defined:

—the number of individuals, organizations, and business affected;

—the ease or complexity of compliance;

—the economic effects;

—overlap with regulations of other agencies/programs;

—whether the regulation does or would contain important foreign policy considerations; and

—whether it is/would be a major concern to the President, Congress, U.S. private sector.

V. Regulatory Analyses

A.I.D. has adopted the criteria stated in Section 3(a)(1) of the Executive Order to identify which regulations require "Regulatory Analysis." None of the existing A.I.D. Regulations appears to fall within these criteria.

VI. Criteria for Selecting Existing Regulations to Be Reviewed

In accord with our proposed triennial review procedure, we will initially examine five regulations, using the following criteria and any other special considerations as may develp:

—whether it is still needed;

—whether it can be shortened, simplified or clarified;

—the type and number of complaints or suggestions received;

—the burdens imposed on those directly or indirectly affected by the regulation;

—the need to eliminate overlapping and duplicative regulations; and the length of time since the regulation has

been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

—whether reporting or other requirements are still necessary or can be modified or eliminated; and

—whether there is any inconsistency with current statutory requirements.

Initial regulations to be included in our initial review early in 1979 are:

A.I.D. Regulation 2: Overseas Shipment of Supplies by Voluntary Nonprofit Relief Agency;

A.I.D. Regulation 5: Per Diem Payments to or on Behalf of Participants in Nonmilitary Economic Development Training Programs;

A.I.D. Regulation 8: Suppliers of Commodities and Commodity-related Services Ineligible for A.I.D. Financing;

A.I.D. Regulation 11: Transfer of Food Commodities for Use in Disaster Relief and Economic Development, and Other Assistance (P.L. 480, Title II); and

A.I.D. Regulation 14: Advisory Committee Management.

John J. Gilligan,
Administrator, Agency for International Development.
January 4, 1979.

AID Implementation Plan for Compliance With Executive Order 12044

AID Regulation No.		Agenda date	Review completion date
1	Rules and Procedures Applicable to commodity Transactions Financed by A.I.D..	July 1981	August 15, 1981
2	Overseas Shipments of Supplies by Voluntary Non-profit Relief Agencies.	February 1979	March 15, 1979
3	Registration of Agencies for Voluntary Foreign Aid	February 1980	March 15, 1980
5	Per Diem Payments to and on behalf of Participants in Nonmilitary Economic Development Training Programs.	February 1979	March 15, 1979
8	Suppliers of Commodities and Commodity-related Services Ineligible for A.I.D. Financing.	February 1979	March 15, 1979
9	Nondiscrimination in Federally Assisted Programs of A.I.D. Effectuation of Title VI of the Civil Rights Act of 1964.	February 1980	March 15, 1980
10	Loyalty and Security Investigations for Persons Serving under Contracts Financed from U.S. Foreign Assistance Funds.	July 1981	August 15, 1981
11	Transfer of Food Commodities for Use in Disaster Relief and Economic Development, and Other Assistance (P.L. 480, Title II).	July 1979	August 15, 1979
12	Public	February 1981	March 15, 1981
13	Collection of Civil Claims by the Agency for International Development.	July 1980	August 15, 1980
14	Advisory Committee Management	July 1979	August 15, 1979
15	Implementation of Privacy Act of 1974	July 1980	August 15, 1980
16	Environmental Procedures	February 1981	March 15, 1981

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INTERSTATE COMMERCE COMMISSION

Irregular-Route Motor Common Carriers of Property; Elimination of Gateway Letter Notices

March 21, 1979.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and nose pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by April 13, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier,* by motor vehicles, over irregular routes.

MC 118831 (Sub-E126), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals,* (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Kinston, North Carolina to points in the following States: Missouri (Except St. Louis Commercial Zone), Illinois (Except East St. Louis Commercial Zone), Wisconsin, Michigan, Indiana, Tennessee and the portion of Kentucky and Ohio, described as follows: 1) to points in Kentucky on and west of a line beginning at State Line on Kentucky 80 at Belcher to Jct. 460 north of Pikeville northwest fro Pikeville to Allen to Jct. of 23 north to Louisa, KY. 2) to points in Ohio on and west of a line beginning at Ohio 7 at Parkersburg, West Virginia and thence on to Jct. I–77 at Marietta, north to New Philadelphia and Jct. Ohio Hwy 21 to Massillon to Jct. of U.S. Hwy 30 and Ohio Hwy 94 north to Jct. of Ohio 585 at Easton south-west on Ohio 585 to Jct of Ohio 57 north to Lorain. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, North Carolina.

MC 118831 (Sub-E127), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals,* (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Moncure, NC to points in the following states: Missouri (except St. Louis Commercial Zone), Illinois (except East St. Louis commercial Zone), Wisconsin, Michigan, Indiana and points in OH, KY and TN, described as follows: 1) to points in TN on and west of a line beginning at the NC State Line and NC 194 at Elk Park to U.S. to Bristol, TN. 2) to points in KY on and west of a line beginning at the KY–VA State Line, then along U.S. 23 at Jenkins to Junction KY 317 to KY 7 Junction, KY 80 to Allen, U.S. 23–460 to Louisa. 3) to points in OH on and west of a line beginning at the OH–KY State Line and Aberdeen, OH, on OH 41 to Junction OH Hwy 138 at Greenfield, OH Hwy 138 to Junction of U.S. 22, U.S. 22 to Yanceyville to

Junction U.S. 40 west on U.S. 40 to Junction Ohio 13 North to Mansfield, U.S. 42 to Junction U.S. 30 Junction to I-71 Leroy, Junction I-76 to Akron Ohio 59 to Ravenna Ohio. Ohio 5 to Warren Ohio 11 to Ashtabia, then north to Lake Erie.

MC 118831 (Sub- E128), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals*, (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Conway, NC to points in the following states: MO (Except St. Louis Commercial Zone), IL, (Except East St. Louis Commercial Zone), WI, MI, TN, and the portion of KY and OH described as follows: 1) to points in KY on and west of a line beginning at Jenkins on U.S. 119 West to Jct. of KY 317 to Jct. of KY North on KY 7 to Jct. KY 80 at Lackey North on OH 80 to Jct. U.S. 23 at Prestonburg North on U.S. 23 from Prestonburg to Louisa. 2) to points in OH beginning at KY and OH State Line on U.S. 62 at Aberdeen Northeast on OH 41 to Jct. OH 247 at W. Union, OH 247 to Hillsboro OH 72 Northwest to Springfield, North on U.S. 68 to Bellefontaine, U.S. 68 to Findlay, I-75 North to Toledo.

MC 118831 (Sub-E129), filed April 19, 1979. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. (A) *liquid petrochemicals* (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from points in SC West of a line beginning at the GA-SC State Line on U.S. Hwy 29 proceeding northward on U.S. Hwy 29 to SC Hwy 14 to the NC Line excluding Greenville, SC, to points in OH on and north and east of a line beginning at Chesapeake, OH continuing on U.S. 52 to New Boston, OH; thence, over OH Hwy 335 to OH Hwy 124 to U.S. 23; thence, over U.S. 23 to Chillicothe; thence, over U.S. 35 to Frankfort; thence, over unnumbered paved road to Clarksburg; thence, over OH Hwy 207 to U.S. 62; thence, U.S. 62 to unnumbered hwy running northward through Big Plaine Lilly Chapel, to west Jefferson; thence, over U.S. 40 to OH Hwy 29 to Mechanicsburg; thence, OH Hwy 292 to Kenton; thence, OH Hwy 309 to OH Hwy 235 through Ada to OH Hwy 18 to Ohio Hwy 108 to Napoleon; thence, OH Hwy 134 through Bryan to OH Hwy 49 to the OH-MI State LIne; and points in IL north and west of a line starting on the WI-IL border at IL Hwy 75, thence, over Illinois Hwy 75 through Freeport; thence, over IL Hwy 26 to U.S. 52; thence, over U.S. 52 to Savanna, IL. (B) *liquid petrochemicals* (except anhydrous ammonia, fertilizer, and fertilizer materials in bulk, in tank vehicles, from points in SC, west of a line beginning on the SC-GA line and proceeding northward on I-85 to U.S. 178 to SC 186 to U.S. 276 to NC-SC line, to points in WI on and west of a line beginning at Milwaukee, WI and extending southwestward along WI Hwy 24 to WI Hwy 15 to Beloit. (C) *liquid petrochemicals* (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from that part of SC west of a line beginning at the NC-SC State Line on U.S. 221 south to Chesnee; thence, SC 11 to SC 9 to SC 292 through Inman, SC to SC 290 to U.S. 221 through Woodruff, SC and Laurens, SC to SC 39 to Saluda, SC, SC 121 to Trenton, SC, SC 19 to U.S. 78 to SC 125 to Allendale, U.S. 301 to SC-GA State Line; to points in IL south of a line beginning at the WI-IL border at IL Hwy 75, then over IL Hwy 75 to Freeport, IL, then over IL Hwy 26 to U.S. Hwy 52, then over U.S. Hwy 52 to Savanna, IL (except points in the East St. Louis, IL, commercial zone). (D) liquid petrochemicals (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from that portion of SC bordered on the west by a line beginning at the GA-SC State Line on U.S. Hwy 29 proceeding northward on U.S. Hwy 29 to SC Hwy 14 to NC line excluding Greenville, SC, bordered on the east and south by a line beginning at the NC-SC State on U.S. Hwy 221 south to Chesnee, SC; thence, SC 11 to SC 9, to SC 292 through Inman, SC, to SC 290 to SC 221, through Woodruff, and Laurens, SC to SC 39 to Saluda, SC, SC 121 to Trenton, SC, SC 19 to SC 78, to SC 125 to Allendale, U.S. Hwy 301 to the SC-GA State Line; to points in IL north and west of a line beginning at the Wisconsin-IL border at Hwy 75, thence, over IL Hwy 75 through Freeport; thence, over IL Hwy 26 to U.S. 52; thence, over U.S. 52 to Savanna, IL. (Gateway Eliminated: Charlotte, NC.)

MC 118831 (Sub-E130), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, from points in SC, excluding Leeds, bordered on the west by a line beginning at the GA-SC State Line on U.S. Hwy 29 proceeding northward on U.S. 20 to SC Hwy 14 to the NC Line and bordered on the east by a line beginning at SC 72-121 at the NC-SC State Line; thence, southeastward on U.S. 321 to a junction with U.S. 21; thence, southward on U.S. 21 to a junction with U.S. 178; thence, southeastward on U.S. 178 to a junction with U.S. 15; thence, southward on U.S. 15 to a junction with U.S. 78; thence, southward on U.S. 78 to a junction with an unnumbered road leading southwestward to, at a distance of one mile, Summerville, SC, from Summerville, SC northward on Alt. U.S. 17 to a junction with U.S. 78; thence, southward on U.S. 78 to a junction with I-26; thence, southward on I-26 to Charleston, SC; to points in OH on north and east of a line beginning at Chesapeale, OH extending eastward along OH Hwy 7 to Ohio Hwy 243 to OH Hwy 378 to OH Hwy 141 to OH Hwy 233 to OH Hwy 93 to Jackson, OH to U.S. 35 to Chillicothe to Washington Courthouse, OH to OH Hwy 41 to Springfield to U.S. 68 to Bellefontaine to U.S. 33 through Wapakoneta to IN-OH State Line; to points in IN on and north of a line beginning on U.S. 33 and the IN-OH State Line over U.S. 33 to Fort Wayne, U.S. 30 to Valparaiso, to IN Hwy 2 to the IN-IL State Line; to points in MO on north and west of a line beginning at the MS River near Keokuk, IA west on U.S. 136 to Memphis, Missouri, thence, south over Missouri Hwy 15 to Edina; thence, Missouri Hwy 6 to Missouri Hwy 11 to Missouri Hwy 3 to U.S. 36 to Missouri Hwy 5 to Keytesville; thence, U.S. 24 to Missouri Hwy 41 to Marshall; thence, U.S. (BR) 65 through Sedalia, Missouri to Missouri 83; thence, Missouri 83 to Bolivar, Missouri, thence, Missouri 32 to Missouri 39 to U.S. 160 to Missouri 126 to Kansas-Missouri State Line. (Gateway Eliminated: Charlotte, NC.)

MC 118831 (Sub-E131), filed April 19, 1976. Applicant: CENTRAL TRANSORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, from points, as described in (1), in SC excluding Leeds to points in the following states; IN, KT, MO, (except points in the St. Louis, Missouri Commercial Zone), OH, and the portions of TN described to (2). (1) Those points in SC bordered on the west and north by a line beginning at SC 72-121 to a

junction with U.S. 321; thence, southeastward on U.S. 321 to a junction with U.S. 21; thence, southward on U.S. 21 to a junction with U.S. 178; thence, a southeastward on U.S. 178 to a junction with U.S. 15; thence southward on U.S. 15 to a junction with U.S. 78; thence, southward on 78 to a junction with an unnumbered road leading southwestward to, at a distance of one mile, Summerville, SC, from Summerville, SC, northward on Alt. U.S. 17 to a junction with I–26; thence, southward on I–26 to Charleston, SC and bordered on the east by a line beginning on U.S. 21 at the NC line extending southward on U.S. 21 to a junction of SC 34; thence, eastward on SC 34 to a junction of U.S. 601; thence, southward on U.S. 601 to a junction of SC 267; thence, southward on SC 267 to a junction of U.S. 15–301; thence, southward on U.S. 15 to a junction of U.S. 176; thence, southward on U.S. 176 to junction of SC 27; thence, southward on SC 27 to a junction of U.S. 78; thence, southward on U.S. 78 to a junction of an unnumbered road leading southwestward to, at a distance of one mile, Summerville, SC, from Summerville, SC northward on U.S. Alt. 17 to a junction of U.S. 78; thence, southward on U.S. 78 to a junction of I–26, thence, southward on I–26 to Charleston, SC. (2) the portions of TN shall include all points on, west, and north of a line beginning at the AL–TN State Line on U.S. 231, continuing northward through Fayetteville to Murfreesboro, thence, over U.S. 70–S to McMinnville, TN; thence, over TN Highway 30 to Athens, TN, thence, over TN Hwy 39 to U.S. Hwy 411; thence, over U.S. 411 to TN Hwy 107; thence, over TN Hwy 107 to TN Hwy 81, thence over TN Hwy 81 to Erwin, TN; thence, due east in a straight line to the NC–TN Line. (Gateway Eliminated: Charlotte, NC.)

MC 118831 (Sub-E132), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals,* in bulk, in tank vehicles, from points, as described in (1), in SC, to points in the following states; IN, KT, MO. (except points in the St. Louis. MO Commercial Zone), OH, and the portions of TN described in (2): (1) Those points in SC on, east, and south of a line beginning at U.S. 21 at the NC line exending southward on U.S 21 to a junction of SC 34; thence, eastward on SC 34 to a junction of U.S. 601; thence, southward on U.S. 601 to a junction of SC 267; thence, southward on SC 267 to a junction of U.S. 15–301; thence, southward on U.S. 15 to a junction of U.S. 176; thence, southward on U.S. 176 to a junction of SC 27; thence, southward on SC 27 to a junction of U.S. 78; thence, southward on U.S. 78 to a junction of an unnumbered road leading southwestward to, at a distance of one mile, Summerville, SC, from Summerville, SC northward on U.S. Alt. 17 to a junction of U.S. 78; thence, southward on U.S. 78 to a junction of I–26; thence, southward on I–26 to Charleston, SC. (2) Those points in TN on, west, and north of a line beginning on TN 13 at the AL State Line; thence, northward to the junction with Natchez Trace Hwy (for definition only); thence, northward to a junction with TN 99; thence, eastward on 99 to Hampshire, TN. From Hampshire, northward on unnumbered road to Kettle Mills, TN; thence over unnumbered road to Williamsport, TN; thence over unnumbered road to Theta, TN; thence, over unnumbered road to Burwood, TN; thence, over unnumbered road to Franklin, TN; thence, eastward on Tennessee 96 to a junction with U.S. 70–S, thence eastward on U.S. 70–S to a junction with TN 30; thence, eastward over TN 30 to a junction with TN 39; thence over TN Hwy 39 to U.S. Hwy 411, thence, northward on U.S. 411 to Salem, TN, from Salem, cross due north to Mohawk Crossroads, from Mohawk Crossroads, cross northeast to Romeo, TN, from Romeo, cross northeast to Cedarlane, from Cedarlane cross south to Mount Carmel, TN, from Mount Carmel, northeastward on TN 107 to Erwin, TN; thence, from Erwin due east to the NC State Line. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-E133), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals,* in bulk, in tank vehicles from Leeds SC, to points in the following states; IN, MO (except points in the St. Louis, MO Commercial Zone); OH, and the portions of KT and TN described in (1); (1) those points in TN and KT on, west, and north of a line beginning on TN 13 at the AL State Line; thence, northward to the junction with Natchez Trace Hwy (for definition only); thence, northward to a junction with TN 99; thence, eastward on 99 to Hampshire, TN. From Hamsphire, northward on unnumbered road to Kettle Mills, TN; thence, over unnumbered road to Williamsport, TN, thence, over unnumbered road to Theta, TN; thence, over unnumbered road to Burwood, TN; thence, over unnumbered road to Franklin, TN; thence, eastward on TN 96 to a junction with U.S. 70S; thence, eastward on U.S. 70S to a junction with TN 30; thence, eastward over TN 30 to Dayton, TN, from Dayton, TN northward on U.S. 27 to a junction with TN 62; thence, eastward on 62 to a junction with TN 116; thence, northward on 116 to Stainville, TN; thence, cross northeastward to Caryville, TN to U.S. 25W northward to a junction with TN 90; thence, TN 90 eastward to a junction with KT 190; thence, KT 190 northeast to a junction with U.S. 119; thence, U.S. 119 eastward to a junction with U.S. 421; thence, U.S. 421 eastward to the VA State Line. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-E138), filed April 16, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals,* in bulk, in tank vehicles, from points in SC on and east of a line beginning on the SC–GA State Line and proceeding northward on Interstate 85 to U.S. 178 to SC 186 to U.S. 276 to the NC–SC State Line; to points in WI. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-139E), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. BOX 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals,* (except anyhdrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from points in SC to points in MI. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-140), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. BOX 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals,* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from that part of SC on and east of a line beginning at the NC–SC State Line on U.S. 221 South to Chesnee; thence, SC 11 to SC 9 to SC 292 through Inman, SC to SC 290 to U.S. 221 through Woodruff, SC and Laurens, SC to SC 39 to Soluda, SC, SC 121 to Trenton, SC, SC 19 to U.S. 78

to SC 125 to Allendale, U.S. 301 to SC–GA State Line; to points in Illinois (except the East St. Louis, IL Commercial Zone). (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-E144), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. BOX 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals.* (except ahydrous ammonia, fertilizer, and fertilizer materials), in bulk, from points in NC excluding Charlotte, NC on and east of a line beginning at the NC–SC State Line on Alt. U.S. 221 and proceeding northward to NC Hwy 150 to Shelby, NC; thence, NC Hwy 18 to unnumbered hwy in Burke County; thence, due north through Connelly Springs, NC and Whitnel, NC to Alt. U.S. 321 to Lenoir, thence NC Hwy 90 through Taylorsville, NC to Hiddenite; thence, unnumbered hwy to NC Hwy 901 to U.S. 21 to Elkin; thence, NC Hwy 268 to U.S. 601; thence, U.S. 601 to U.S. 52 near Mt. Airy, NC; thence, U.S. 52 to the NC–VA State Line; to points in AR on and west of a line beginning on the MS River and proceeding southward to Memphis; thence, over I–40 to U.S. 70 to U.S. 79 to Marianna; thence, AR 1 to AR 54 through Duman, to AR 83; thence, AK 83 to Monticello; thence, AR 4 through Warren, AR to Hampton, AR; thence, U.S. 167 through El Dorado to the AR–LA State Line. (Gateway eliminated: points in SC, Charlotte, NC, and Robertson County, TN.)

MC 118831 (Sub-E150), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. BOX 5388, Uwharrie Road, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, DC 20001. *Liquid petrochemicals* (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from points in NC (except Charlotte and Canton, NC) to points in GA on, south, and east of a line beginning on the Chattahoochee River (AL–GA line) on GA Hwy 62; then, GA Hwy 62 to GA Hwy 45; then, Ga Hwy 45 to GA Hwy 49; then along GA Hwy 49 to I Hwy 75; then along I Hwy 75 to I Hwy 475; then along I Hwy 475 to I Hwy 75; then along I Hwy 75 to Ga Hwy 83 to Madison; then GA Hwy 83 to US Hwy 278; then along GA Hwy 278 to GA Hwy 77; then along GA Hwy 77 to GA Hwy 17 extending along US Hwy 23, then along US Hwy 23 to the GA–NC State line. (Gateway eliminated: SC.)

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-9761 Filed 4-2-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Decided: March 19, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest incudes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferrring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days

after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 531 (Sub-371F), filed January 12, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in bulk, in tank vehicles, from the facilities of Texsun Corporation, at or near Weslaco, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX).

MC 730 (Sub-425F), filed December 26, 1978. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, 25 North Via Monte, P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from Lake Charles, LA, to points in the United States (except AK and HI). (Hearing site: Houston, TX).

MC 1335 (Sub-5F), filed January 24, 1979. Applicant: MOTEK TRANSPORT, INC., 345 Main St., P.O. Box 123, Harleysville, PA 19438. Representative: D. L. Cain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles, and roofing and siding materials*, and (2) *materials, equipment, and supplies* used in the distribution of the commodities in (1) above, from the facilities of GAF Corporation, at or near South Bound Brook, Gloucester, and Thorofare, NJ, to points in NY. (Hearing site: Philadelphia, PA).

MC 2900 (Sub-354F), filed December 18, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Liquid Paper Corp., at Greenville, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Dallas, TX).

MC 10345 (Sub-99F), filed January 17, 1979. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., P.O. Box 13006, Lansing, MI 48901. Representative: Albert F. Beasley, 311 Investment Building, 1511 K Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation (1) *motor vehicles*, in initial movements, in truckaway service, and (2) *parts and accessories* for motor vehicles from the facilities of General Motor Corporation, at Linden, NJ, and Wilmington, DE, to points in IL, IN, MI, OH, and WI. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of a portion of carrier's certificate in MC–10345 Sub 94. (Hearing site: Washington, DC).

Note.—The purpose of the application is to eliminate the restriction requiring transportation of the traffic through Lansing, MI.

MC 16831 (Sub-24F), filed January 10, 1979. Applicant: MID SEVEN TRANSPORTATION COMPANY, A corporation, 2323 Delaware, Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA, 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation (1) *agricultural implements, agricultural equipment, industrial equipment, construction equipment, irrigation equipment, drainage sytems, stump cutters, log splitters, and tree spades*, and (2) *parts, attachments, and accessories* for the commodities named in (1) above, from the facilities of Vermeer Manufacturing Company, at Pella, IA, to points in IL, IN, KY, MI, MN, NE, OH, SD, and WI and (3) *materials and supplies* used in the manufacture of the commodities named in (1) and (2) above, in the reverse direction. (Hearing site: Des Moines, IA, or Omaha, NE).

MC 18037 (Sub-8F), filed August 8, 1978, and previously noticed in the FR issued of January 4, 1979. Applicant: CHAS. LEVY CIRCULATING CO., a corporation, 1200 North Branch St., Chicago, IL 60622. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *newspaper, magazines, books, periodicals, publications, and calenders*, from Chicago, IL, to points in WI, KY, the Lower Peninsula of MI, and those in OH west of a line bounded by Lorain, Ashland, Holmes, Coschocton, Muskingum, Perry, Hocking, Vinton, Jackson, and Lawrence Counties, OH; and (2) *returned shipments* of the commodities in (1) above, in the reverse direction, under contract with printing houses, publishing houses, or news dealers. CONDITION: Carrier must conduct its for-hire motor-carrier activities and its other activities separately and maintain separate records for each. NOTE: This republication amends the commodity description in (1) above and shows that applicant is serving a class of shippers rather than named shippers. (Hearing site: Chicago, IL).

MC 22301 (Sub–27F), filed January 10, 1979. Applicant: SIOUX TRANSPORTATION COMPANY, INC., P.O. Box 3088, Sioux City, IA 51102. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, tranporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago, IL, and Kansas City, MO, from Chicago, IL, over Interstate Hwy 55 to junction Interstate Hwy 80, then over Interstate 80 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, MO, and return over the same route, serving no intermediate points, and (2) between Kansas City, MO, and Omaha, NE, over Interstate Hwy 29, serving no intermediate points.

(Hearing sites: Chicago, IL, and Omaha, NE).

Note.—Applicant states that the purpose of this application is to substitute single-line service for joint-line service.

MC 29910 (Sub-200F), filed November 28, 1978. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring

special equipment), (1) between Dallas, TX, and Shreveport, LA, over Interstate Hwy 20, serving the intermediate points of Longview and Marshall, TX, and the off-route points of Tyler and Woodlawn, TX; (2) between Houston, TX, and Beaumont, TX, over Interstate Hwy 10, serving no intermediate points; (3) between Houston, TX, and Freeport, TX, from Houston over TX Hwy 288 to junction TX Hwy 36, then over TX Hwy 36 to Freeport, and return over the same route, serving no intermediate points, and serving Angleton, TX, for purposes of joinder only; (4) between Houston, TX, and San Antonio, TX, over Interstate Hwy 10, serving no intermediate points, but serving the off-route point of Seguin, TX; (5) between Houston, TX, and Laredo, TX, over Interstate Hwy 59, serving the intermediate point of Victoria, TX, and serving junctions of (a) U.S. Hwy 59 and TX Hwy 9,(b) U.S. Hwys 59 and 281, and (c) TX Hwy 60 and U.S. Hwy 59, for purposes of joinder only; (6) between Victoria, TX, and Harlingen, TX, over U.S. Hwy 77, serving all intermediate points between Corpus Christi and Kingsville, TX, including Corpus Christi and Kingsville; (7) between San Antonio, TX, and Victoria, TX, over U.S. Hwy 87, serving no intermediate points; (8) between San Antonio, TX, and Corpus Christi, TX, from San Antonio over U.S. Hwy 281 to junction TX Hwy 9, then over TX Hwy 9 to Corpus Christi, and return over the same route, serving no intermediate points, and serving junction U.S. Hwy 59 and TX Hwy 9 for purposes of joinder only; (9) between junction U.S. Hwy 281 and TX Hwy 9 and Edinburg, TX, over U.S. Hwy 281 serving no intermediate points, and serving junctions of U.S. Hwys 281 and 59, and U.S. Hwy 281 and TX Hwy 9, for purposes of joinder only; (10) between Edinburg, TX, and Brownsville, TX, (a) from Edinburg over TX Hwy 107 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route, serving all intermediate points, and (b) over U.S. Hwy 281, serving all intermediate points, and the off-route point of Hidalgo, TX; (11) between Brownville, TX, and Port Isabel, TX, from Brownsville over TX Hwy 48 to junction TX Hwy 100, then over TX Hwy 100 to Port Isabel, and return over the same route, serving all intermediate points; (12) between San Antonio, TX, and McAllen, TX, from San Antonio over U.S. Hwy 81 to junction U.S. Hwy 83, then over U.S. Hwy 83 to McAllen, and return over the same route, serving the intermediate point of Laredo, TX, and serving junction of U.S. Hwys 81 and 57 for purposes of joinder only; (13) between McAllen, TX, and Harlingen, TX, over U.S. Hwy 83, serving all intermediate points; (14) between junction U.S. Hwys 81 and 57 and Eagle Pass, TX, from junction U.S. Hwys 81 and 57 over U.S. Hwy 57 to junction U.S. Hwy 277, then over U.S. Hwy 277 to Eagle Pass, and return over the same route, serving no intermediate points, and serving junction U.S. Hwys 81 and 57 for purposes of joinder only; (15) between San Antonio, TX, and junction U.S. Hwys 87 and 180, from San Antonio over Interstate Hwy 10 to junction U.S. Hwy 83, then over U.S. Hwy 83 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction U.S. Hwy 180, and return over the same route, serving no intermediate points, and serving junction U.S. Hwys 87 and 180 for purposes of joinder only; (16) between Victoria, TX, and Angleton, TX, from Victoria over U.S. Hwy 87 to junction TX Hwy 35, then over TX Hwy 35 to Angleton, and return over the same route, serving the intermediate point of Bay City, TX, and serving Angleton, TX, for purposes of joinder only; (17) between Bay City, TX, and junction TX Hwy 60 and U.S. Hwy 59, over TX Hwy 60, serving no intermediate points, and serving junction TX Hwy 60 and U.S. Hwy 59 for purposes of joinder only; (18) between Beaumont, TX, and junction U.S. Hwys 287 and 59, over U.S. Hwy 287, serving no intermediate points, and serving junction U.S. Hwys 287 and 59 for purposes of joinder only; (19) between Dallas, TX, and Wichita, KS, from Dallas over Interstate Hwy 35E to Denton, TX, then over Interstate Hwy 35 to Wichita, and return over the same route, serving the intermediate point of Oklahoma City, OK; and (20) between Beaumont, TX, and El Dorado, AR, from Beaumont over Interstate Hwy 10 to junction U.S. Hwy 165, then over U.S. Hwy 165, to junction U.S. Hwy 167, then over U.S. Hwy 167 to El Dorado, and return over the same route, serving no intermediate points. (Hearing site: Corpus Christi or Brownsville, TX.)

Note.—Applicant intends to tack this authority with others.

MC 30824 (Sub-21F), filed December 22, 1978. Applicant: AaLCO EXPRESS COMPANY, INC., 13727 Shoreline Drive, Earth City, MO 63045. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting commodities the transportation of which because of size or weigh requires the use of special equipment, between those points in MO on and east of U.S. Hwy 63, and those in IL on and south of U.S. Hwy 36, on the one hand, and, on the other, points in OK, AR, MI, IN, and OH. Hearing site. St. Louis or Jefferson City, MO.)

Note.—Dual operations are involved in this proceeding.

MC 33641 (Sub-141F), filed January 15, 1979. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84125. Representative: Thomas A. Scott (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Sierra Pacific Power Co., at or near Valmy, NV, as an off-route point in connection with carrier's otherwise authorized regular-route operations between Elko, NV, and Sout San Franciso, CA. (Hearing site: Reno, NV, or Salt Lake City, UT.)

MC 35320 (Sub-168F), filed December 27, 1978. Applicant: T.I.M.E.–DC, INC., a Delaware corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Singer Company, at or near Red Bud, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 35320 (Sub-173F), filed December 28, 1978. Applicant: T.I.M.E.–DC, INC., a Delaware corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Port Poly State Line Industrial Park, at or near Salem, NH, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

MC 4287 (Sub-893F), filed December 29, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a Delaware corporation, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of M.F. & H. Textiles, Inc., at or near Butler, GA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA.)

MC 52657 (Sub-747F), filed January 2, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W 151 Shore Court, Burr ridge, IL 60521. Representative: James Bouril (some address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *trailers*, (except those designed to drawn by passenger automobiles), between Randolph, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Cleveland, OH.)

MC 56270 (Sub-18F), filed December 18, 1978. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401—55 State St., Green Bay, WI 54306. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *commodities which because of size or weight require the use of special equipment*, between points in IL, WI, and the Upper Peninsula of MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—(1) The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit indicating why such approval is unnecessary. (2) Dual operations may be at issue in this proceeding.

MC 59150 (Sub-140F), filed December 11, 1978. Applicant: PLOFF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *composition board, and materials, equipment, and supplies used in the manufacture or distribution of composition board*, between the facilities of Pan American Gyro Tex Company, at or near Jasper, FL, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, TN, and VA. (Hearing site: Jacksonville, FL.)

MC 61440 (Sub-166F), filed December 18, 1978. Applicant: LEE WAY MOTOR FREIGHT, INC., a Delaware corporation, 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general comodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL, and Sacramento, CA, from Chicago over Interstate Hwy 55 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Sacramento, and return over the same route, serving no intermediate points, as an alternate route for operating convenience, in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 61825 (Sub-90F), filed January 5, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, except commodities in bulk, in tank vehicles), and *filters*, from points in Warren County, MS, to points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV, and DC, and (2)(a) *petroleum, petroleum products, vehicle body sealer, sound deadeners compounds, and filters*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in part (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, RI, SC, TN, VA, and WV, to points in Warren County MS, restricted in parts (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: Washington, DC.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343 [formerly Section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary.

MC 62181 (Sub-13F), filed January 10, 1979. Applicant: JOHN HENNES TRUCKING CO., a corporation, P.O. Box 10H, Milwaukee, WI 53201. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities* the transportation of which because of size or weight require the use of special equipment or handling, between points in IL and WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 63417 (Sub-188F), filed January 2, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, except commodities in bulk, in tank vehicles), *and filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MI, MO, MS, NJ, NY, NC, OH, OK, PA, SC, TX, VA, WV, and DC, restricted to the transportation of traffic originating at the named origins; and (2) the *commodities in (1) above and materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except comodities in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, SC, VA, and WV, to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 67450 (Sub-75F), filed December 18, 1978. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representive: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting (1) *defatted wheat germ,* from Michigan City, IN, to those points in the United States in and east of MT, WY, CO, and NM; and (2) *wheat germ,* in the reverse direction. (Hearing site: Chicago, IL.)

MC 74416 (Sub-20F), filed January 10, 1979. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representive: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* between the facilities of Crucible, Inc., Division of Colt Industries, at Midland, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, and DC. (Hearing site: Washington, DC.)

MC 82841 (Sub-244F), filed January 10, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representive: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by dealers and manufacturers of agricultural equipment, industrial equipment, lawn products and leisure products, (except commodities in bulk), from Grand Island and Lexington, NE, to points in IL, IA, KS, and MO. (Hearing site: Washington, DC.)

MC 82841 (Sub-245F), filed January 15, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representive: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boilers,* and *boiler equipment,* from East Stroudsburg, PA, to points in the United States (except AK and HI). (Hearing site: Philadelphia or Pittsburgh, PA.)

MC 85970 (Sub-15F), filed December 27, 1978. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis, TN 38307. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers or distributors of rubber and rubber products,* (except commodities in bulk), between the facilities of The Goodyear Tire & Rubber Company, at or near Union City, TN, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, VA, WV, NC, SC, GA, AL, MS, LA, KY, OH, IN, IL, MI, WI, MN, MO, KS, OK, and TX. (Hearing site: Memphis, TN.)

MC 93224 (Sub-23F), filed December 21, 1978. Applicant: S & N FREIGHT LINE, INC., P.O. Box 12147, Norfolk, VA 23502. Representative: Chester A. Zyblut, 1030 Fifteenth Street, N.W., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper,* and *paper products,* from the facilities of Union Camp Corporation, at or near Franklin, VA, to points in CT, MA, RI, and those points in PA and NY on and east of Interstate Hwy 81. (Hearing site: Washington, DC.)

MC 94350 (Sub-421F), filed December 18, 1978. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr., (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *buildings,* in sections, mounted on wheeled undercarriages, from Lake City, FL, to points in AL, AR, GA, LA, MS, NC, SC, TN, and TX.

MC 97251 (Sub-5F), filed January 12, 1979. Applicant: TURNER TRUCKING COMPANY, INC., 1215 West Main Street, Lebanon, IN 46052. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis, IN, and the facilities of Eli Lilly & Company, at Clinton, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 97345 (Sub-4F), filed January 26, 1979. Applicant: DUFFY STORAGE & MOVING CO., d/b/a DUFFY HEAVY MOVING CO., 389 South Lipan Street, Denver, CO 80223. Representative: Robert G. Shepherd, Jr., 915 Pennsylvania Bldg. 425 13th Street, N.W., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* which because of size or weight require the use of special equipment, (2) *concrete products,* (3) *construction materials, equipment, and supplies,* (4) *mining materials, equipment, and supplies,* (5) *telephone and power line materials,* (6) *transformers,* (7) *plant equipment and parts* thereof, between points in CO, WY, UT, MN, and AZ, and those in NE and KS on and east of U.S. Hwy 183, and (8) *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), between points in Denver, Adams, Arapahoe, and Jefferson Counties, CO, restricted in parts (1), (2), (3), (4), (5), (6), and (7), against (a) service between points in Denver, Adams, Arapohoe, and Jefferson Counties, CO, (b) transportation of commodities in bulk, and (c) the transportation of oilfield commodites for the oil and gas industries, as defined in *Mercer, Extension—Oilfield Commodities,* 74 M.C.C. 459. Condition: Prior or coincidental cancellation, at applicant's written request of its Certificate of Registration in MC–97345 Sub 2. (Hearing site: Denver, CO.)

Note.—Applicant seeks to convert its Certificate of Registration which now authorizes the transportation of (a) *general commodities,* between points in Denver, Adams, Arapahoe, and Jefferson Counties, CO, (b) *commodities* which because of size or weight, require the use of special equipment, *concrete products,* and *self-propelled equipment and machinery,* between points in CO, (c) *construction materials and supplies,* restricted to shipments from or to construction sites, between points in CO, and (d) *plant machinery and plant equipment* (including incidental parts and materials moving in connection therewith), between points in CO, with the restrictions named above.

MC 100666 (Sub-421F), filed January 10, 1979. Applicant: MELTON TRUCK LINES, INC., an Arkansas corporation, P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum ingots,* grom the facilities of Howmet Aluminum Corporation, at or near Rockwall, TX, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of aluminum ingots, (except commodities in bulk), in the reverse direction.

MC 106074 (Sub-81F), filed December 18, 1978. Applicant: B & P MOTOR LINES, INC., P.O. Box 741, Forest City, NC 28043. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting *meats, meat products, and meat by products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Cedar Rapids and Des Moines, IA, to points in DE, MD, NC, SC, VA, and DC. (Hearing site: Omaha, NE, or Oklahoma City, OK.)

MC 106398 (Sub-859F), filed February 2, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel buildings*, complete, knocked-down, or in sections, and (2) *iron and steel articles*, from the facilities of Delta Steel Building Company, at Dallas, TX, to points in the United States (except AK and HI). (Hearing site: Dalls, TX.)

MC 106398 (Sub-860F), filed February 8, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials* and *components* for buildings, from the facilities of Moncrief-Lenoir Manufacturing Co., at Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 108340 (Sub-34F), filed December 18, 1978. Applicant: HANEY TRUCK LINE, a corporation, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Ave., Portland, OR 97210. To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, equipment, and supplies*, between points in Washington County, OR, on the one hand, and, on the other, points in WA and ID. (Hearing site: Portland, OR.)

MC 108341 (Sub-132F), filed January 17, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, (same address as applicant). To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *thermal storage systems and boilers*, and (2) *parts, attachments, and accessories* for the commodities named in (1) above, from the facilities of (a) Megatherm, Division of Vapor Corporation, at or near East Providence, RI, and (b), Precision Parts Corporation, at or near Whitesburg, TN, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 108937 (Sub-52F), filed January 1, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Motors Corporation, at Janesville, WI, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: St. Paul, MN.)

MC 109821 (Sub-57F), filed January 10, 1979. Applicant: TAYNTON FREIGHT SYSTEM, INC., 40 Main St., Wellsboro, PA 16901. Representative: Dewey T. Whitford (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, and *cleaning compounds* (except commodities in bulk), from Solvay and Syracuse, NY, to points in NJ and PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 109891 (Sub-34F), filed January 15, 1979. Applicant: INFINGER TRANSPORTATION CO., INC., 2811 Carner Avenue, P.O. Box 7398, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products, vehicle body sealers, and sound deadening compounds*, in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS, to points in AL, FL, GA, KY, NC, SC, and TN, restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC. or Columbia, SC.)

MC 111231 (Sub-256F), filed January 15, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, vehicle body sealer and sound deadener compounds* (except in bulk, in tank vehicles), and *filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AR, IL, IN, KS, MI, MO, OH, and TX, restricted to the transportation of traffic originating at the above-named origin. (Hearing site: Jackson, MS, or Memphis, TN.)

MC 111956 (Sub-47F), filed December 13, 1978. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette St., Washington, PA 15201. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregulat routes, transporting (1) *plastic containers, and closures and bases* for plastic containers (a) between the facilities of Sewell Plastics, Inc., at or near Havre de Grace, MD, and New Stanton, PA, (b) from the facilities of Sewell Plastics, Inc., at or near New Stanton, PA, to points in DE, NJ, NY, NY, NC, VA, and WV, and (c) from the facilities of Sewell Plastics, Inc., at or near Havre de Grace, MD, to points in DE, NC, NJ, NY, PA, VA, and WV, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (a) between the facilities of Sewell Plastics, Inc., at or near New Stanton, PA., and Havre de Grace, MD, (b) from points in DE, NJ, NY, NC, VA, and WV, to the facilities of Sewell Plastics, Inc., at or near New Stanton, PA, and (3) from points in DE, NJ, NC, PA, VA, and WV, to the facilities of Sewell Plastics, Inc., at or near Havre de Grace, MD. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 112304 (Sub-160F), filed December 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *building materials*, from the facilities of Bird & Son, Inc., at or near Shreveport, LA, to points in OK, NM, and TX, and (2) *materials and supplies* used in the manufacture, distribution, and installation of commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 112304 (Sub-163F), filed December 20, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Columbus, OH 45223. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials and asbestos fibre cement pipe*, from the facilities of Johns-Manville Sales Corp, at or near Waukegan, IL, to points in KY, MD, NJ, NY, OH, PA, VA, and WV. (Hearing site: Chicago, IL, or Washington, DC.)

MC 112595 (Sub-83F), filed January 29, 1979. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *crude light oil of coal tar*, in bulk in tank vehicles, from Hamilton and Middletown, OH, to Catlettsburg, KY, and (2) *petroleum and petroleum products*, in bulk, in tank vehicles, from Catlettsburg, KY, to points in IN and OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 113624 (Sub-84F), filed December 21, 1978. Applicant: WARD TRANSPORT, INC., P.O. Box 753, Pueblo, CO 81002. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Gulf Central Pipeline, at or near Aurora, NE, to points in KS, SD, and WY. (Hearing site: Denver CO.)

MC 114211 (Sub-397F), filed January 15, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products*, from points in Weston and Crook Counties, WY, to points in IL, IA, KS, MN, MO, NE, ND, SD, TX, and WI. Hearing site: Minneapolis, MN, or Sioux Falls, SD.)

MC 114301 (Sub-104F), filed January 18, 1979. Applicant: DELAWARE EXPRESS CO., a corporation, P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *solar salt*, in tank vehicles, from Baltimore, MD, to points in DE and NJ. (Hearing site: Washington, DC.)

MC 115001 (Sub-7F), filed January 11, 1979. Applicant: WESTERN OIL TRANSPORTATION COMPANY, INC., 2000 South Post Oak, Houston, TX 77001. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crude oil, condensate*, and water, in bulk, in tank vehicles, between points in AZ, CO, KS, MT, ND, NE, NM, OK, SD, TX, UT, and WY. (Hearing site: Dallas, TX, or Denver, CO.)

MC 115357 (Sub-10F), filed December 26, 1978. Applicant: TAT, INC., P.O. Box 4013, Kansas City, MO 64101. Representative: Marvin Handler, 100 Pine St., Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobiles and trucks* weighing less than 15,000 or less, pounds in secondary movements, in truckaway service, between points in CO, IA, KS, MO, NE, OK, and TX. (Hearing site: Kansas City, MO, or Denver, CO.)

MC 115826 (Sub-348F), filed September 11, 1978. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *safety clothing and equipment* for the protection of workers, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (3) *abrasives and abrasive products, (4) drilling, coring and mining bits*, (5) *sealants*, (6) *power tools and parts* for power tools, (7) *materials, equipment, and supplies* used in the manufacture and distribution of industrial ceramics, plastic and synthetic articles, chemical process, mining and petroleum products, and commodities dealt in by a manufacturer of such commodities, (except commodities in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Norton Company. (Hearing site: Denver, CO.)

MC 115841 (Sub-662F), filed January 9, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Knoxville, TN 37919. Representative: D. R. Beeler, Suite 110, Building 100, 9041 Executive Park Drive, Knoxville, TN 37919. To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or sold by retail stores (except commodities in bulk), between points in NC, SC, GA, FL, AL, TN, and MS, on the one hand, and, on the other, points in MI, OH, and IN, restricted to the transportation of traffic originating at or destined to the facilities of J. L. Hudson's. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115841 (Sub-663F), filed January 9, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Dr., Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (A) *drugs, toilet preparations, and personal care products*, and (B) *foodstuffs*, in mixed loads with the commodities named in (A) above, (1) from Atlanta, GA, to points in NC, SC, VA, MD, PA, NJ, NY, TX, IL, FL, TN, and CA, (2) from Melrose Park, IL, to points in NC, SC, VA, TX, FL, TN, CA, NV, and GA, (3) from Sparks, NV, to points in CA, OR, WA, CO, IL, GA, and TX, and (4) from Santa Fe Springs, CA, to Sparks, NV. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115841 (Sub-664F), filed January 12, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Dr., Suite 110, Building 100, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *garden tractors, attachments* for garden tractors, *recreational vehicles, lawn tractors, tillers, chain saws, lawn mowers, and grills*, and (2) *parts and accessories* for the commodities named in (1) above, (a) between the facilities of Roper Corporation, at or near Bradley, IL, Williamsburg, KY, Orangeburg, SC, Nogales, AZ, and Swainsboro, and McRae, GA; and (b) between the facilities of Roper Corporation, at or near Bradley, IL, Williamsburg, KY, Orangeburg, SC, Swainsboro, and McRae, GA, and Nogales, AZ, on the one hand, and, on the other, points in AZ, GA, IL, IN, MI, NY, OH, PA, SC, and TX. (Hearing site: Chicago, IL.)

MC 115841 (Sub-671F), filed January 17, 1979. Applicant: COLONIAL

REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Kraft, Inc., at or near Lakeland, FL to points in AL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Tampa, FL, or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 115931 (Sub-77F), filed January 18, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representive: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand treatment systems* and *gravel treatment systems*, from Winnebago, MN, and Fargo, ND, to points in the United States (except AK and HI). (Hearing site: Minneapolis or St. Paul, MN.)

MC 115931 (Sub-79F), filed January 11, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representive: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal buildings*, knocked down, and (2) *materials and supplies* used in the erection of the commodities named in (1) above, from the facilities of Erect-A-Tube, Inc., at or near Harvard, IL, to those points in the United States in and west of WI, IL, MO, AR, and TX (except AK and HI). (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 116254 (Sub-233F), filed December 26, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representive: Hampton M. Mills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron pipe, steel pipe, valves, and fittings*, from Allen, NY, Atlanta and Augusta, GA, Decatur, Birmingham, Mobile, and Thomasville, AL, Charleston, Nitro, Craigsville, and Buckhannon, WV, Pikeville, Calvert City, and Louisville, KY, Charlotte, NC, Chicago, IL, Cincinnati, Marietta, Columbus, and Kent, OH, Jacksonville, Pompano Beach, and Lakeland, FL, New Iberia, LA, Oneida, TN, Philadelphia and Pittsburgh, PA, Quonset Point, RI, and Richmond, VA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charleston, WV, or Washington, DC.)

MC 117730 (Sub-35F), filed December 21, 1978. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representive: Stephen H. Loeb, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except in bulk), from the facilities of Campbell Soup Co., at or near Napoleon, OH, to points in WV, PA, NY, IL, IN, WI, IA, MO, and Camden, NJ; and (2) *canned foodstuffs*, from facilities of Campbell Soup Co., at Chicago, IL, to points in MO and WI. (Hearing site: Chicago, IL.)

MC 118959 (Sub-202F), filed February 1, 1979. Applicant: JERRY LIPPS, INC., a Florida corporation, P.O. Drawer F, Cape Girardeau, MO 63701. Representive: Donald B. Levine, 39 S. La Salle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are distributed by manufacturers of paper and paper products, (except commodities in bulk), from the facilities of The Procter & Gamble Paper Products Company, at or near Albany, GA, to points in AL, AR, OK, TN, and TX, and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of paper and paper products, in the reverse direction. (Hearing site: Chicago, IL or Atlanta, GA.)

MC 119641 (Sub-154F), filed January 11, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944. Representative: Norman R. Garvin, 1301 Merchants Plaza Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber mill products, forest products*, and *wood products*, from the facilities of the Potomac Supply Corp., at Kinsale, VA, to points in IL, IN, OH, KY, PA, NY, WI, MN, IA, MO, ND, SD, MI, NJ, DE, MD, and NE. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119741 (Sub-136F), filed January 12, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW, P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed, feed ingredients, and additives*, and (2) *materials and supplies* used in the manfacture and distribution of animal feeds (except in bulk, in tank vehicles), between the facilities of Kal Kan Foods, Inc., at or near Hutchinson, KS, Terre Haute and Indianapolis, IN, and Sherburne, NY, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NJ, NY, ND, OH, OK, PA, SD, TX, and WI, restricted to the transportation of traffic originating at the above named origins and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 119894 (Sub-8F), filed December 26, 1978. Applicant: BOWARD TRUCK LINE, INC., 104 Azar Bldg., Glen Burnie, MD 21601. Representative: M. Bruce Morgan (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap paper and waste paper*, from points in NC, to the facilities of Sonoco Products Company at or near Hartsville, SC. (Hearing site: Charlotte, NC, or Hartsville, SC.)

MC 120737 (Sub-52F), filed December 27, 1978. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (a) *cast iron products*, and (b) *materials and supplies* used in the manufacture and distribution of cast iron products, (except commodities in bulk), in between Lynchburg, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 120761 (Sub-51F), filed January 11, 1979. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles, and pipe*, from Conroe, TX, to points in United States (including AK, but excluding HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution, of the commodities named in (1) above, in the reverse direction. (Hearing site: Houston or Dallas, TX.)

MC 120924 (Sub-4F), filed December 22, 1978. Applicant: B&W CARTAGE CO., INC., 2932 W. 79th St., Chicago, IL 60652. Representative: Carl L. Steiner, 39

S. La Salle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in IL, IN, IA, KS, KY, MI, MN, MO, OH, and WI, restricted to the transportation of traffic having an immediately prior or subsequent movement by rail. (Hearing site: Chicago, IL.)

MC 123061 (Sub-108F), filed December 8, 1978. Applicant: LEATHAM BROTHERS INC., 46 Orange St., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 310 South Main, Salt Lake City, UT 84416. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed ingredients*, from points in CA, to points in ID and UT. (Hearing site: Salt Lake City, UT, or Los Angeles, CA.)

MC 123407 (Sub-517F), filed January 2, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Co., at Sterling, IL, to points in AL, AR, GA, IA, KY, KS, MI, MN, MO, MS, NC, NE, OH, PA, SC, SD, TN, VA, and WV. (Hearing site: Chicago, IL.)

MC 123407 (Sub-518F), filed January 2, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Precast concrete products*, from Oshkosh, WI, to points in the United States (except AK and HI); and (2) *precast concrete modular crypt units*, (a) from St. Louis, MO, to points in AL, AR, IA, IL, IN, KY, KS, LA, MS, NE, OK, TN, and TX, and (b) from Denver, CO, to points in AZ, CA, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, and WA. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 123407 (Sub-520F), filed January 2, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lumber and wood products*, and (2) *building materials*, (except the commodities in (1) above), from Galveston, TX, to points in AR, IA, IL, IN, KS, KY, LA, MI, MO, MS, OK, TN, TX, and WI. (Hearing site: Houston, TX.)

MC 123987 (Sub-14F), filed January 2, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Representative: John C., Sims, P.O. Box 10236, Lubbock, TX 79408. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (a) from the facilities of Armco Inc., at Mangum, OK, to points in AR, CO, KS, LA, MO, NM, TX, and WY, and (b) from the facilities of Armco Inc., at Topeka, KS, to the facilities of Armco Inc., at Mangum, OK. (Hearing site: Oklahoma City, OK, or Amarillo, TX.)

MC 124170 (Sub-109F), filed December 26, 1978. Applicant: FROSTWAYS, INC. 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Dr., Suite 222, Oak Brook, IL 60521. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Div. of H. J. Heinz Co., at or near Pittsburgh, PA, to points in AR, OK, AND TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 124211 (Sub-353F), filed January 15, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer compounds* (except in bulk, in tank or hopper vehicles), from Fairbury, NE, to points in CO, IL, IN, IA, KS, MI, MN, MO, ND, OH, SD, and WI.
Note.—Dual operations may be involved. (Hearing site: Kansas City, MO.)

MC 124221 (Sub-66F), filed January 10, 1979. Applicant: HOWARD BAER, P.O. Box 27, Morton, IL 61550. Representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by chain grocery and food business houses, and (2) *equipment, materials, and supplies* used in the conduct of the business in (1) above, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, NY, OH, PA, SD, TN, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., under contract with Kraft, Inc., of Glenview, IL. (Hearing site: Washington, DC, or Indianapolis, IN.)

MC 124306 (Sub-54F), filed January 11, 1979. Applicant: KENAN TRANSPORT COMPANY, INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry plastics* (except expanded), *and dry polyester resin*, in bulk, in tank or hopper-type vehicles, (1) from the facilities of Hoechst Fibers Industries, at Spartanburg, SC, to points in VA, and (2) from points in VA, to Atlanta, GA, Greenville, SC, and Spartanburg, SC. (Hearing site: Spartanburg, SC, or Charlotte, NC.)

MC 1247111 (Sub-78F), filed January 12, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas*, in bulk, in tank vehicles, between points in KS, on the one hand, and, on the other, points in MO. (Hearing site: Kansas City, MO.)
Note.—The certificate granted in this proceeding will expire 5 years from the date of issuance.

MC 124711 (Sub-79F), filed January 16, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042 Representative: Norman A. Cooper (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean oil*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at or near Wichita, KS, to the Tulsa Port Authority-Catoosa, OK, at or near Tulsa, OK. (Hearing site: Wichita, KS, or Tulsa, OK.)

MC 124896 (Sub-81F), filed January 11, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27803. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by

motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Spencer Foods, at or near Schuyler, NE, to points in AL, FL, GA, MD, NC, NJ, NY, PA, SC, and VA.

MC 125770 (Sub-15F), filed December 27, 1978. Applicant: SPIEGEL TRUCKING INC., Cape May St., Harrison, NJ 07029. Representative: Joel J. Nagel, 19 Back Dr., Edison, NJ 08817. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *parts and materials used in the manufacture of furniture,* from points in CT, GA, IL, MD, MA, NY, NC, OH, PA, VA, and SC, to the facilities of Art Metal—U.S.A., Inc., at Newark, NJ, under contract with Art Metal–U.S.A. Inc., of Newark, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 125894 (Sub-9F), filed December 18, 1978. Applicant: J AND R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients,* from the facilities of Grain Processing Corporation at or near Muscatine, IA, to points in MN, ND, SD, and WI. (Hearing site: At. Paul, MN.)

MC 126736 (Sub-110F), filed January 11, 1979. Applicant: FLORIDA ROCK * TANK LINES, INC., 155 East 21st St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from Jacksonville, FL, to points in NC and SC. (Hearing site: Jacksonville, FL.)

MC 126844 (Sub-64F), filed December 15, 1978. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products,* from Philadelphia, PA, and Landisville, NJ, to points in AL, AR, GA, IL, IN, LA, MI, MS, MO, NC, OH, VA, WV, SC, and WI. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 128021 (Sub-36F), filed January 16, 1979. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed* and *feed ingredients,* and (2) *materials and supplies* used in the manufacture and distribution of animal feed (except commodities in bulk), (a) between points in PA, on the one hand, and, on the other, points in NE, IA, IL, NC, SC, TN, and KY, and (b) between points in NE, on the one hand, and, on the other, points in GA, AL, MS, KY, and TN, under contract with Allen Products Company, Inc., of Allentown, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 128555 (Sub 29F), filed January 22, 1979. Applicant: MEAT DISPATCH, INC., a Delware corporation, 2103 17th Street, East, Palmetto, FL 33561. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food products,* and (2) *citrus products, and citrus by-products* (except those in (1) above) from the facilities of Tropicana Products, Inc., in Manatee and St. Lucie Counties, FL, to points in IL, MO, AR, OK, and TX, under contract with Tropicana Products, Inc., of Bradenton, FL. (Hearing site: Bradenton or Tampa, FL.)

MC 128837 (Sub-5F), filed December 27, 1978. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel pipe,* from the facilities of Livingston Pipe & Tube, Inc., at Staunton, IL, to points in GA, IA, KS, KY, LA, MI, MO, MS, NE, NC, ND, OH, OK, PA, SC, SD, TN, TX, and WI, restricted to the transportation of traffic originating at the named origin. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved in this proceeding.

MC 129150 (Sub-8F), filed December 19, 1978. Applicant: CIACCIA TRUCKING COMPANY, INC., 106 Industrial St., Rochester, NY 14608. Representative: Robert L. Boxer, 900 Midtown Tower, Rochester, NY 14604. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used passenger automobiles,* in secondary movements, in truckaway service, (1) between points in Monroe County, NY, and Orlando, Lakeland, and Ft. Lauderdale, FL, and (2) between points in Monroe County, FL, and Peabody and Concord, MA, restricted against the transportation of traffic (a) moving on United States Government bills of lading, (b) having a prior or subsequent movement by rail, or (c) for or on behalf of manufacturers of automobiles. (Hearing site: Rochester or Syracuse, NY.)

MC 133920 (Sub-19F), filed December 19, 1978. Applicant: HOWARD SHEPPARD, INC., Tennile Rd., Sandersville, GA 31082. Representive: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs,* from the facilities of Holmes Canning Company, Inc., at or near Sanderville, GA, to points in SC. (Hearing site: Atlanta or Macon, GA.)

MC 134064 (Sub-17F), filed December 18, 1978. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainsville, GA 30501. Representive: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), and *confectionery products* (except in bulk, and foodstuffs), from the facilities of the Nestle Company, at or near Burlington, WI, to Memphis, TN, Jacksonville, FL, and Charlotte, NC. (Hearing site: Atlanta, GA, or New York, NY.)

MC 134401 (Sub-14F), filed January 8, 1979. Applicant: SHERWOOD HUME TRANSPORTATION LIMITED, 734 Main St., East, Milton, Ontario, Canada L9T 3P6. Representive: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. To operate as a *common carrier,* by motor vehicle, in foreign commerce, over irregular routes, transporting *such commodities* as are dealt in, or used by, dealers and manufacturers of agricultural equipment, industrial equipment, lawn products, and leisure products (except commodities in bulk), from the facilities of Sperry New Holland Division, Sperry Rand Corporation, at Grand Island and Lexington, NE, to the ports of entry on

the International Boundary line between the United States and Canada, in ME, MI, MN, NH, NY, and VT, restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC, or Chicago, IL.)

MC 134477 (Sub-305F), filed January 2, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representive: Robert P. Sack, P.O. Box 6010, West St., Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by department stores (except foodstuffs and commodities in bulk), from the facilities of United States Packing & Shipping Co., Inc., at or near Jersey City, NJ, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-306F), filed January 2, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by department stores (except foodstuffs and commodities in bulk), from Chicago, IL, and points in CT, DE, KY, ME, MD, MA, MI, NJ, NH, NY, OH, PA, RI, VT, VA, WV, and DC, to the facilities of Dayton's, Inc., at points in MN, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-307F), filed January 2, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from Arlington and Ortonville, MN, and Bloomer, WI, to points in AR, CT, DE, GA, IA, IL, IN, KS, KY, ME, MD, MA, MI, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-308F), filed Janunary 2, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportating *foodstuffs* (except commodities in bulk), from Canajoharie, NY, to points in IL, IN, KY, MI, OH, and WI. (Hearing site: ST. Paul, MN.)

MC 134477 (Sub-309F), filed January 2, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from Fort Fairfield, ME, to points in IL, KS, KY, MI, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134501 (Sub-33F), filed January 11, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *recreational equipment*, from the facilities of Miracle Recreation Equipment, Inc., at or near Grinnell and Mt. Ayr, IA, to points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or Dallas, TX.)

MC 134501 (Sub-34F), filed January 12, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new furniture*, from points in Los Angeles and Orange Counties, CA, to points in Knox, Hamblen, and Cocke Counties, TN, and those in WA, OR, ID, MT, UT, AZ, and DC; and (2) *fixtures, restaurant equipment, and restaurant supplies*, from points in Los Angeles and Orange Counties, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Dallas, TX.)

MC 134501 (Sub-36F), filed January 16, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034 To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture* and *fixtures*, from points in CT to points in the United States (except AK and HI). (Hearing site: Hartford, CT, or Dallas, TX.)

MC 135874 (Sub-144F), filed December 18, 1978. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, (1) between Minneapolis, MN, on the one hand, and, on the other, points in KS, NE, MO, ND, SD, IA, WI, IL, IN, KY, OH, TN, MI, WV, VA, SC, NC, GA, MD, DE, PA, NY, NJ, CT, RI, MA, NH, VT, ME, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Goldberger Foods, Inc., Goldberger, Inc., Goldberger International, Inc., Sam Goldberger, Sam Goldberger International, Inc., Sam Goldberger, Inc., and (2) from Amarillo, TX, Emporia and Wichita, KS, Dakota City, NE, and Sioux City, IA, to points in NE, SD, MN, IA, WI, IL, MI, IN, OH, KY, TN, SC, NE, GA, MO, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, ME and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Paul or Minneapolis, MN.)

MC 135874 (Sub-145F), filed December 18, 1978. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in, or used by, department stores, hardware stores, building material supply centers, and home improvement stores (except foodstuffs and commodities in bulk), (1) from points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, WV, VA, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, MO, KS, CO, and DC, to points in IL, IA, MN, NE, ND, SD, and WI, and (2) from points in IL, IA, and NE, to points in MN, ND, SD, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated

destinations. (Hearing site: St. Paul or Minneapolis, MN.)

MC 135874 (Sub-148F), filed December 15, 1978. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials and building supplies* (except commodities in bulk), (a) from the facilities of Alside, Inc., in North Hampton Township, OH, to points in IL, IA, KS, the Upper Peninsula of MI, MN, MO, NE, ND, SD, and WI, restricted to the transportation of traffic originating at the above named origin facilities and destined to the indicated destinations. (b) from the facilities of Space Vinyl Division, AlumaKing Corp., West Salem, OH, to points in IL, IA, KS, the Upper Peninsula of MI, MN, MO, NE, ND, SD, and WI, restricted to the transportation of traffic originating at the above named origin and destined to the indicated destinations, and (2) *materials and supplies* used in the manufacture of building materials, from Oswego, NY, to the facilities of Alside, Inc., North Hampton Township, OH, restricted to the transportation of traffic originating at the named origin, and destined to the named indicated destination (Hearing site: St. Paul, MN or Cleveland, OH.)

MC 136720 (Sub-4F), filed December 18, 1978. Applicant: APEX BULK COMMODITIES, a corporation, P.O. Box 872, Whittier, CA 90608. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, from points in CA (except Colton, Creal, Crestmore, Monolith, Oro Grande, Victorville, and the facilities of General Portland, Inc., at or near Gorman), to points in AZ, CA, and NV. (Hearing site: Los Angeles, CA.)

MC 138144 (Sub-42F), filed December 15, 1978. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, Esq., 10 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe, fittings, valves, and hydrants*, and (2) *accessories*, for the commodities in (1) above, from Columbia, MO, to points in AL, AR, GA, IA, IL, IN, KS, KY, LA, MI, MS, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WI, and WV, restricted to the transportation of traffic originating at the facilities of the Clow Corporation, at or near Columbia, MO. Note: (a) The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343 (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary, and (b) Dual operations may be involved. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 138567 (Sub-3F), filed December 26, 1978. Applicant: R. L. PAQUETTE, INC., P.O. Box 162, Middlebury, VT 05753. Representative: Roger Paquette, Jr., Dog Team Rd., New Haven, VT 05472. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic brush products*, between Middlebury, VT, and Sheffield, PA, under contract with Tucel Industries, Inc., of Middlebury, VT, and (2) *plastic bristle*, between Middlebury, VT, on the one hand, and, on the other, Chicago and Arcola, IL, under contract with Polymers, Inc., of Middlebury, VT. (Hearing site: Burlington or Montpelier, VT.)

MC 138627 (Sub-51F), filed December 26, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, 7101 Mercy Rd., Suite 106, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap and used railroad tank cars*, between Fort Dodge, IA, on the one hand, and, on the other, points in IL, IN, KS, MI, MN, MO, NE, ND, OH, OK, SD, TN, TX, and WI. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 139495 (Sub-404F), filed January 3, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: HERBERT ALAN DUBIN, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *such commodities* as are dealt in by a manfacturer of abrasives, abrasive products, bits, industrial safety products, industrial ceramics, construction products, chemical process products, insulating sealants, medical and scientific tubing, plastics and synthetics, and (2) *materials, equipment, and supplies* used in the conduct of such business; (except in tank vehicles), between points in the United States (except HI and AK), restricted to the transportation of traffic originating at or destined to the facilities of the Norton Company or its subsidiaries Air Space Devices, Inc., Canadian Koebel Diamond Tools, Ltd., Christensen, Inc., Clipper Australia Pty. Ltd., Consumers Glove Co. Ltd., Oakville Glove Co. Ltd., Ets A. Huard, Australian Abrasives Pty. Ltd., Boyles Bros. Drilling Co., Metals Processing, Inc., Industrial Service Agency, Inter-X Corp., Hydronyl (Aust.) Pty. Ltd., MSO Schleifscheiben G.m.b.H., Drill Tools (Ire.) Ltd., Boyles Bros. Drilling de Mexico, S.A. de C.V., Lusnoc Properties Ltd., Iasher Tools (Pty.) Ltd., Blane and Co. (engineers) (Pty.) Ltd., Republic Buff Manufacturers (Pty.) Ltd., Republic Buff Manufacturers (N. Transvaal) (Pty.) Ltd., Springbok Tools (Pty.) Ltd., T. Arrowsmith & Sons Ltd., and Transporation Safety Systems (UK) Ltd. (Hearing Site: Washington, DC.)

MC 139906 (Sub-27F), filed December 6, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 W. 220 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *rubber products*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of rubber products, from Naugatuck, CT, to Detroit, MI, Indianapolis, IN, Opelika, AL, Los Angeles, CA, Eau Claire, WI, and Chicopee, MA; (2) *footwear*, from Naugatuck, CT, Thomson, GA, and Port Elizabeth, NJ, to Port Clinton, OH; (3) *rubber products*, (except commodities in bulk), from Naugatuck, CT, to points in FL, ID, KS, MS, MT, ND, NE, NV, SD, UT, and WY; (4) *rubber footwear*, from Dublin, GA, to Port Clinton, OH, and Naugatuck, CT; (5)(a) *plastic materials, carpet cushioning, rug underlay*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (5)(a) above, (except commodities in bulk and those which because of size or weight require the use of special equipment), between Naugatuck, CT, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WI, WV, and DC; (6) *Sponge rubber carpet cushion and footwear*, from Beacon Falls, Naugatuck, Waterbury, and Waterville, CT, to Chicago, IL, Dallas, TX, Denver, CO, Los Angeles, CA, Phoenix, AZ, St. Louis, MO, Salt Lake City, UT, San Francisco, CA, and Seattle, WA; and (7)(a) *latex plastic materials*, and (b) *materials, equipment, and supplies* used in the

manufacture and distribution of latex plastic materials, (except commodities in bulk and those which because of size or weight require the use of special equipment), between Naugatuck, CT, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, IA, LA, MN, MO, NM, OK, OR, TN, TX, and WA. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations are involved in this proceeding.

MC 140024 (Sub-135F), filed December 18, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AZ, CA, CO, ID, MN, NV, NM, OR, UT, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 140024 (Sub-136F), filed December 18, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in KS, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. (Hearing site: Pittsburgh, PA.)

MC 140315 (Sub-10F), filed January 29, 1979. Applicant: DEES TRANSPORTATION, INC., P.O. Box 446, Worland, WY 82401. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bentonite and mud treating additives*, from points in Big Horn, Crook, Natrona, Washakie, and Weston Counties, WY, Phillips County, MT, and Butte County, SD, to points in CA. (Hearing site: Salt Lake City, UT.)

MC 140717 (Sub-9F), filed December 27, 1978. Applicant: JULIAN MARTIN, INC., Highway 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Cedar Rapids and Des Moines, IA, and Albert Lea, MN, to points in AL, GA, and TN, under contract with Wilson Foods Corporation, of Oklahoma City, OK. (Hearing site: Dallas, TX, or Kansas City, MO.)

Note.—Dual operations are involved in this proceeding.

MC 141804 (Sub-159F), filed December 18, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages, and wines, (except commodities in bulk, in tank vehicles), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in NC, SC, GA, FL, AL, MS, TN, LA, TX, CO, NM, AZ, CA, UT, WA, OR, ID, KS, MO, and OK, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-160F), filed December 18, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical appliances* and (2) *parts and accessories* for electrical appliances, from points in CA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142664 (Sub-5F), filed December 20, 1978. Applicant: IMPORT DEALERS SERVICE CORP., 2222 East Sepulveda Boulevard, Carson, CA 90744. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles*, (except buses and trailers), in truckaway service, between Los Angeles, CA, on the one hand, and, on the other, Kansas City, MO, and points in CO, KS, NE, and UT. (Hearing site: Los Angeles, CA.)

MC 142976 (Sub-1F), filed January 9, 1979. Applicant: JOHN D. PERFETTI, RD No. 4, Box 265–C Blairsville, PA 15717. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal framing products, garage door hardware, and iron and steel articles*, (a) between the facilities of Dietrich Industries, Inc., at Ashville, AL, Baltimore, MD, Hicksville, OH, Wolf Lake, IN, and in West Wheatfield Township, in Indiana County, PA, (b) from the facilities of Dietrich Industries, Inc., at Ashville, AL, Baltimore, MD, Hicksville, OH, Wolf Lake, IN, and in West Wheatfield Township, in Indiana County, PA, to points in the United States (except AK and HI), and (c) *materials* used in the manufacture of the commodities named above, from points in the United States (except AK and HI), to the facilities of Dietrich Industries, Inc., at Ashville, AL, Baltimore, MD, Hicksville, OH, Wold Lake, IN, and in West Wheatfield Township, in Indiana County, PA, under contract with Dietrich Industries, Inc., of Blairsville, PA. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 143001 (Sub-2F), filed January 18, 1979. Applicant: GLENN PETERSON, d./b./a. PETERSON TRANSIT, Route 2, Merrill, WI 54452. Representative: Frank M. Coyne, 25 West Main St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting *canned vegetables* and *canned fruit*, from Poynette, Merrill, and Waunakee, WI, to points in the United States (except AK and HI). (Hearing site: Madison, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 143059 (Sub-42F), filed January 8, 1979, previsouly published in the **Federal Register** issue of February 20, 1979. Applicant: MERCER TRANPORTATION CO., a Texas corporation, P.O. Box

35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sulphur*, in bags, and (2) *bags*, between the facilities of International Chemicals, Inc., at or near Mt. Pleasant, TX, and Middlepoint, OH, on the one hand, and, on the other, points in AL, AZ, AR, IL, IN, IA, KS, KY, LA, MS, NM, NC, OH, OK, PA, TN, TX, UT, VA, and WV, restricted to the transportation of traffic originating at or destined to the named facilities.
(Hearing site: Louisville, KY, or Washington, DC.)
Note.—This republication shows the additional state of OK.

MC 143317 (Sub-8F), filed January 2, 1979. Applicant: GEORGE CLARK TRANSIT CO., a corporation, 2902 Calumet Ave., Manitowoc, WI 54220. Representative: Dennis L. Sedlacek, 1401 State St., P.O. Box 2385, Green Bay, WI 54306. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *phenolic coated resin sand*, and (2) *materials and supplies* used in the manufacture and distribution of phoenolic coated resin sand, between points in Green Lake County, WI, on the one hand, and, on the other, points in IA, IL, IN, and OH, under contract with Faskure Coated Sand Division of Aurora Metal Co., of Fairwater, WI. (Hearing site: Madison, WI, or Chicago, IL.)

MC 144217 (Sub-1F), filed December 21, 1978. Applicant: ROBERT HARGIS, d.b.a. BODEE TRUCK BROKERS, 5001 North 62nd Land, Glendale, AZ 85301. Representative: Thomas E. Haney, 2030 Valley Bank Center, Phoenix, AZ 85073. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Los Angeles and Orange Counties, CA, to points in Maricopa County, AZ; and (2) *fresh meats and frozen meats*, in vehicles equipped with mechanical refrigeration, between points in Los Angeles and Orange Counties, CA, and those in Maricopa County, AZ. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 144630 (Sub-6F), filed December 26, 1978. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Ct., Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic beverages* (except in bulk), from the facilities of National Distillers & Chemical Corp., at Cincinnati, OH, and Frankfort, KY, to points in FL, GA, and SC.
(Hearing site: Washington, DC.)
Note.—Dual operations may be at issue in this proceeding.

MC 144726 (Sub-3F), filed January 11, 1979. Applicant: K.K.W. TRUCKING, INC., 516 West 140th St., Gardena, CA 90248. Representative: David R. Parker, 717 17th St., Suite 2600, Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by furniture stores, furnishing stores, and department stores, between points in AZ, CA, and NV. (Hearing site: Los Angeles, CA.)

MC 144927 (Sub-8F), filed December 4, 1978. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 320 North Meridian St., No. 777, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), from the facilities of S. C. Johnson Co., at or near Racine, WI, to St. Louis, MO, and points in CT, MA, MD, NJ, NY, OH, PA, RI, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations; (2) *bottle caps*, from Erie, PA, to Racine, WI; and (3) *foam cleaning products*, (except commodities in bulk, in tank vehicles), from Hackensack, NJ, to Racine, WI, Syracuse and Buffalo, NY, Cleveland, OH, and Waukegan, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 144957 (Sub-3F), filed December 27, 1978. Applicant: PETERCLIFFE, LTD., 11933 71st Avenue, Palos Heights, IL 60463. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in AZ, CA, NV, and UT, on the one hand, and, on the other, points in FL, GA, NC, SC, and TN, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: Los Angeles, CA, or Chicago, IL.)

MC 144957 (Sub-4F), filed December 27, 1978. Applicant PETERCLIFFE, LTD., 11933 71st Avenue, Palos Heights, IL 60463. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in AZ, CA, NV, and UT, on the one hand, and, on the other, points in Johnson and Leavenworth Counties, KS, and those in IL, MO, and WI, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: Los Angeles, CA, or Chicago, IL.)

MC 144957 (Sub-5F), filed December 27, 1978. Applicant: PETERCLIFFE, LTD., 11933 71st Avenue, Palos Heights, IL 60463. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in AZ, CA, NV, and UT, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, and PA, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: Los Angeles, CA, or Chicago, IL.)

MC 145101 (Sub-2F), filed January 18, 1979. Applicant: BILLY P. RUPPE, d.b.a. RUPPE MOTOR LINES, 309 Kraft St., Gaffney, SC 29340. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nonwoven synthetic fabric*, from the facilities of Phillips Fibers Corporation, at or near Startex, SC, to points in MT. (Hearing site: Spartanburg, SC.)
Note.—Dual operations may be involved.

MC 145106 (Sub-11F), filed January 10, 1979. Applicant: EDINA CARTAGE CO., a Missouri corporation, Front St., P.O. Box 42, Mauricetown, NJ 08329. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from Joliet, IL, to points in MO and MI, under contract with

National Bottle Company, of Bala Cynwyd, PA. (Hearing site: Washington, DC.)

MC 145106 (Sub-12F), filed January 10, 1979. Applicant: EDINA CARTAGE CO., a corporation, Front St., P.O. Box 42, Mauricetown, NJ 08329. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from Parkersburg, WV, to points in MO and MI, under contract with National Bottle Company, of Bala Cynwyd, PA. (Hearing site: Washington, DC.)

MC 145394 (Sub-1F), filed December 12, 1978. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Representative: Robert M. Kaske (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lawn equipment, gym apparatus, vacuum cleaners, saw benches, tool boxes, and hand tools*, from the facilities of Central Quality Industries, Inc., at Polo, IL, to points in IN, IA, MI, MN, and WI, and (2) *materials and equipment* used in the manufacturing of the commodities in (1) above, in the reverse direction, under contract with Central Quality Industries, Inc., of Polo, IL. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 145494 (Sub-1F), filed December 18, 1978. Applicant: EDINA CARTAGE CO., a Missouri corporation, Front Street, P.O. Box 42, Mauricetown, NJ 08329. Representative: E. Stephen Heisley, 805 McLachlen Street, NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed, feed ingredients, and additives, and materials and supplies* used in the manufacture and distribution of animal feed (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, Hutchinson, KS, and Mattoon, IL, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL.)

Note.—Dual operations are involved.

MC 145665 (Sub-1F), filed January 29, 1979. Applicant: MACEWAN MOTOR LINES, INC. a Maryland corporation, P.O. Box 658, West Chester, PA 19380. Representative: Dean N. Wolfe, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by grocery and food business houses, (except commodities in bulk and frozen commodities), (a) from the facilities of The Clorox Co., at Kansas City, MO, Atlanta, GA, and Chicago, IL, to the facilities of The Clorox Co., at Jersey City, NJ, and (b) from the facilities of The Clorox Co., at Wichita, KS, to the facilities of Grocery Store Products Co., at West Chester and Kennett Square, PA, and (2) *materials, equipment, and supplies* used in the conduct of grocery and food business houses, (except commodities in bulk and frozen commodities), from the facilities of (a) Gallos Plastics Co., at Winston-Salem, NC, and (b) Epsen Lithographing Co., at Omaha, NE, to the facilities of the Clorox Co., at Jersey City, NJ, under contract with the Clorox Co., of Oakland, CA. (Hearing site: Washington, DC, or Jersey City, NJ.)

MC 145677 (Sub-1F), filed December 26, 1978. Applicant: RUSSELL A PYE TRUCKING, INC., Rt. 3, Box 345, Ontario, OR 97914. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wood beams*, from the facilities of Ore-Ida Wood 'I' Systems, Inc., at or near Ontario, OR, to points in AZ, CA, CO, ID, NM, NV, and UT, and (2) *materials, equipment and supplies* used in the manufacture of wood beams, in the reverse direction. (Hearing site: Boise, ID, or Portland, OR.)

MC 145704 (Sub-2F), filed December 22, 1978. Applicant: G.P. BOURROUS TRUCKING CO., INC., Route 1, Box 380, Diboll, TX 75941. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood chips*, from the facilities of Champion Building Products, Inc., at or near Corrigan, TX, to the facilities of Boise Southern Paper Mill, at or near De Ridder, LA. (Hearing site: Houston, TX.)

MC 145838 (Sub-1F), filed February 5, 1979. Applicant: OHIO CONTAINER SERVICE, INC., 2701 Lakeside Avenue, Cleveland, OH 44114. Representative: Lewis S. Witherspoon, Suite 1940, 88 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, automobiles, and those requiring special equipment), in containers or in trailers, (a) between points in OH (except those in the Cleveland, OH, commercial zone), on the one hand, and, on the other, Cleveland, OH, restricted to the transportation of traffic having a prior or subsequent movement by rail, and (b) between points in OH (except those in the Cleveland, OH, commercial zone), on the one hand, and, on the other, Cleveland, OH, Baltimore, MD, and points in NJ and NY, restricted to the transportation of traffic having a prior or subsequent movement by water, and (c) between points in the Cleveland, OH, commercial zone, restricted to the transportation of traffic having a prior or subsequent movement by water or rail; and (2) *empty containers or trailers*, between Baltimore, MD, and points in NY, NJ, and OH. (Hearing site: Cleveland, OH.)

MC 145874 (Sub-1F), filed December 20, 1978. Applicant: KENNETH L. PETITT, d.b.a. PETITT TRUCKING, 1659 S. Route 22 N.E., P.O. Box 492, Washington Court House, OH 43160. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fiberglass reinforced plywood*, and (2) *equipment, materials and supplies* used in the manufacture, and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Cor-Tec, Inc., at or near Washington Court House, OH, on the one hand, and, on the other, points in the United States, (except AK and HI), under contract with Cor-Tec, Inc., of Washington Court House, OH. (Hearing site: Columbus, OH.)

MC 145966F, filed December 27, 1978. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *carpet and carpet samples*, from Lincoln, NE, to points in the United States (except AK, HI, and NE), and (2) *materials, equipment and supplies* used in the manufacture and distribution of carpet and carpet samples, in the reverse direction. NOTE: Dual operations may be involved in this proceeding. (Hearing site: Lincoln, NE.)

MC 145984F, filed December 20, 1978. Applicant: A. T. BYRUM & SONS, INC., U.S. 13, Route 4, Box 85, Ahoskie, NC.

Representative: F. Kent Burns, P.O. Box 1406, Raleigh, NC 27602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood residuals*, between points in NC and VA. (Hearing site: Raleigh, NC.)

MC 146026F, filed December 28, 1978. Applicant: CROSS COUNTRY FARMING COOPERATIVE, INC., P.O. Box 134, Pine Island, NY 10969. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper, paper articles, and woodpulp*, from the facilities of Georgia-Pacific Corporation, at Burlington, IA, Cincinnati and Norwood, OH, Gary, IN, Gilman, VT, Kalamazoo, MI, Lockport and Taylorville, IL, Lyons Falls, Plattsburgh, Warwick, Woorheesville, Frankfort, and Utica, NY, Reading, PA, St. Louis, MO, Tomahawk, WI, and Woodland, ME, to points in the United States (except AK and HI), and (2) *waste paper*, in the reverse direction, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Stamford, CT, or New York, NY.)

MC 146054 (Sub-1F), filed December 15, 1978. Applicant: HI-WAY LINES, INC., 23097 North Coburg Road, P.O. Box 8258, Coburg, OR 97401. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing and roofing materials* (1) from the facilities of Consolidated Fiberglass Products, Inc., at or near Bakersfield, CA, to points in OR, and Vancouver, WA, and (2) from the facilities of Johns-Manville Corporation at or near Pittsburg, and Los Angeles, CA, to points in OR and Vancouver, WA. (Hearing site: Portland, OR.)

MC 146065 (Sub-2F), filed January 23, 1979. Applicant: DAY TRANSFER, INC., 3000 Shelby Street, Indianapolis, IN 46227. Representative: Kirkwood Yockey, 300 Union Federal Building, 45 North Pennsylvania Street, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and drug stores and warehouses (except commodities in bulk), from Indianapolis, IN, to points in IN. (Hearing site: Indianapolis, IN, or Cincinnati, OH.)

MC 146104F, filed December 18, 1978. Applicant: SHIPPERS & RECEIVERS DELIVERY SERVICE, INC., 6500 Desmond, Detroit, MI 48209. Representative: John Graham, 1520 North Woodward, Suite 106, Bloomfield Hills, MI 48013. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail sporting goods stores, from Detroit, MI, to Ann Arbor and Lansing, MI, under contract with Herman's World of Sporting Goods, Division of W. R. Grace and Company, of New York, NY. (Hearing site: Detroit, MI.)

MC 146110F, filed December 19, 1978. Applicant: SMALL SHIPMENT EXPRESS OF ILLINOIS, INC., 9623 N. Karlov Ave., Skokie, Il 60076. Representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by mail order, direct selling, wholesale, and catalog sales companies*, between points in IL, IN, MI, and WI. (Hearing site: Chicago, IL.)

MC 146131F, filed January 15, 1979. Applicant: TRANSPORT ENTERPRISES, INC., 857 E. St. Francis Rd., DePere, WI 54115. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, from the facilities of Central Paper Co., Inc., a division of Uninsource Corporation, at Menasha, WI, to points in MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA; and (2) *materials equipment and supplies* used in the manufacture, distribution, and sale of paper and paper products, in the reverse direction. (Hearing site: Green Bay or Madison, WI.)

MC 146178 (Sub-2F), filed January 30, 1979. Applicant: INDEPENDENT WOOD PRODUCTS TRANSPORTATION CO., a corporation on 1700 Dace Street, Sioux City, IA, 51107. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104, To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by dealers of building materials (except commodities in bulk), between those points in the United States in and west of MI, IN, KY, TN, and MS (except AK and HI), under contract with Independent Wood Products, Inc., of Sioux City, IA. CONDITION: (1) Applicant shall conduct separately its for-hire carriage and other business operations; (2) it shall maintain separate accounts and records for each operation; and (3) it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Omaha, NE.)

MC 146345F, filed January 29, 1979. Applicant: U-FILL'ER-UP, INC., P.O. Box 9718, Greensboro, NC 27408. Representative: Lawrence Egerton, Jr., 222 Commerce Place, Greensboro, NC 27402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gasoline*, in bulk, from Spartansburg, SC, to points in NC, under contract with U-Fill'er-Up Inc., of Greeensboro, NC. CONDITIONS: Applicant shall conduct separately its for-hire carriage and other business operations. It shall maintain separate accounts and records for each operation. And it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Charlotte, NC.)

MC 146353F, filed December 26, 1978. Applicant: CARROLL'S TRANSFER, INC., P.O. Box 265, Highway No. 87 South, Dublin, NC 28332. Representative: Ralph McDonald, P.O. Box 2246, 336 Fayetteville St. Mall, Raleigh, NC 27602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (A) *counting, controlling*, and *measuring devices*, and (B) *parts* for the commodities named (A) above, (1) between the facilities of Veeder-Root Company, at Hollidaysburg, PA, Hartford, CT, Elizabethtown, NC, and Wilcox County, AL; and (2) from the facilities of Veeder-Root Company, at Hollidaysburg, PA, to the facilities of Gilarco, Inc., at Greensboro, NC, under contract with Veeder-Root Company, of Hartford, CT. (Hearing site: Raleigh, NC.)

Note.—Dual operations may be involved.

MC 146358F, filed January 22, 1979. Applicant: STANTRAN, INC., TRANSPORTATION CO., a corporation, 9350 Wilshire Blvd., Suite 201, Beverly Hills, CA 90212. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from the facilities of Campbell Soup Co., Swanson Division, at Modesto, CA, to Omaha, NE. (Hearing site: Los Angeles or San Francisco, CA.)

Passenger Authority

MC 140818 (Sub-1F), filed January 8, 1979. Applicant: THE GRAY LINE OF

SEATTLE, INC., 415 Seneca, Seattle, WA 98101. Representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, WA 98171. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Snohomish, King, Pierce, and Thurston Counties, WA, and extending to points in NV. (Hearing site: Seattle, WA.)

MC 145585 (Sub-2F), filed December 18, 1978. Applicant: SANDRA HOWARD, d.b.a. S. HOWARD BUS COMPANY, 399 Bank Street, Fall River, MA 02720. Representative: Arthur M. White, 281 Pleasant Street, P.O. Box 2547, Framingham, MA 01701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, between Fall River, MA, and the facilities of Danal Jewelry Co., in Providence, RI, under contract with Danal Jewelry Co., of Providence, RI. (Hearing site: Providence, RI.)

MC 146255F, filed January 9, 1979. Applicant: WESTERHAUG BUS LINES, LTD., 57 Wallace Ave., Yorkton, Saskatchewan S3N 2E6 Canada. Representative: C. C. Westerhaug (same address as applicant). To operate as a *commom carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at all ports of entry on the International Boundary line between the United States and Canada, and extending to points in AK, ID, MT, ND, WA, MN, AZ, CA, CO, NV, OR, SD, UT, WY, and NM. (Hearing site: Bismarck, ND.)

Broker Authority

MC 130554F, filed January 16, 1979. Applicant: NANCY R. BROWN dba. HOLIDAY TOURS, Route Box No. 3, Box 631, Randleman, NC 27317. To engage in operations, in interstate or foreign commerce, as a *broker*, at Randleman, NC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Randolph and Guilford Counties, NC, and extending to points in the United States. (Hearing site: Greensboro or Asheboro, NC.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, NY*, 54 M.C.C. 291 (1952).

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,
Secretary.

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Petitions, applications, finance matters (including temporary authorities), alternate route deviations, and interstate applications.

March 21, 1979.

Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 61592 (M3F) (Notice of filing of petition to modify certificate) filed November 14, 1978. Petitioner: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. De Vine, P.O. Box 737, Moline,IL 61265. Petitioner holds a motor common carrier certificate in MC 61582, Sub 67, issued July 12, 1967, reissued under MC 61592, Lead Certificate, first paragraph, Sheet 18, January 10, 1975, authorizing transportation, over irregular routes of: Fibre Tubes, From Louisiana, MO to points in Iowa, Illinois, Nebraska, North Dakota, South Dakota, Wisconsin, Kentucky, Tennessee, Texas, Kansas, and Oklahoma. By instant petition, petitioner seeks to modify the above authority by adding the destination state of Minnesota.

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such request shall meet the requirements of Section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* **Federal Register** *of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

regulatory action under the Energy Policy and Conservation Act of 1975.

MC 11603 (Sub-8F), filed March 6, 1979. Applicant: BASSE TRUCK LINE, INC., 3410 Belgium Lane, P.O. Box 10128, San Antonio, TX 78219. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Authority sought as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Eagle Pass, TX, and Laredo, TX. From Eagle Pass over U.S. Hwy 277 to Carrizo Springs, then over U.S. Hwy 83 to junction with Interstate Hwy 35, then over Interstate Hwy 35 to Laredo, and return over the same route, serving all intermediate points and the off-route point of Crystal City, TX; and (2) Between San Antonio, TX, and Laredo, TX. From San Antonio over Interstate Hwy 35 (U.S. Hwy 81) to Laredo, and return over the same route, serving all intermediate points. NOTE: Petitions for Leave to Intervene in this proceeding must comply with the requirements in Ex Parte No. 55 (Sub-No. 26), *PROTEST STANDARDS*, 43 Fed. Reg. 50908 (11/1/78).

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC–F–13866F. (CORRECTION), published in the January 11, 1979, issue of the **Federal Register**, on page 2468. Certain errors appeared in the Notice, and republished as corrected. Authority sought for control by UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT, of the operating rights of INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner Street, Houston, TX 77040 common management of the operating rights issued in Docket No. MC–139468, and for control by Glade Holfeltz and Duane A. Barker. Applicants' representatives: Earl H. Scudder, Jr. and Brian Ridenour, P.O. Box 82028, 500 The Artrium, Lincoln, NE 68501. Operating rights which are sought to be controlled: *Metal buildings and related parts and equipment*, as a *contract carrier* over irregular routes from the plantsites and storage facilities of National Steel Products Company, Inc., at Houston, TX to points in AR, LA, TN, MS, AL, GA, FL, SC, NC, OK, KS, NE, SD, ND, NM, CO, WY, MT, ID, UT, AZ, NV, OR, WA, and CA; *Metal buildings and related parts and equipment* from the plantsite of National Steel Products Company, Inc. at or near Terre Haute, IN to points in AZ, CA, CO, ID, IL, IA, KY, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, UT, VA, WA, WV, WI, WY; between the plantsites of National Steel Products, Company, Inc., at or near Houston, TX, and at or near Terre Haute, IN; *Buildings, complete knocked down and in sections, building sections and building panels, parts and accessories used in installation and completion thereof and pre-fabricated structural components and panels and accessories* from the plantsites and storage facilities of National Steel Products Company, Inc., at or near LaGrange, GA to points in AL, FL, GA, KY, MS, NC, SC, TN, VA, and WV, CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, AR, IL, KS, LA, MO, OK, and TX; from the plantsites of National Steel Products Company, Inc., at or near Terre Haute, IN, to points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, AR, LA, MS, and TX; from the plantsites of National Steel Products Company, Inc. at or near Houston, TX, to points in IL, IN, IA, MN, MI, and WI; between the plantsites and storage facilities of National Steel products Company, Inc., at or near Houston, TX, LaGrange, GA and Terre Haute, IN; From Terre Haute, IN and Houston, TX, to points in AK; Lumber from Kooskia and Princeton, ID and Clarkston, WA, To points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, PA, SD, WI, AZ, KY, NM, OK, TX, CO, UT, and WY; *Materials, supplies and equipment utilized in the manufacturing, distribution and storage of buildings, building sections, building panels, pre-fabricated structural components and panels and* related accessories from points in the United States (except AK and HI), to Houston, TX, LaGrange, GA and Terre Haute, IN; *Window and window frames, door and door frames*, from the plantsites and facilities of National Steel Products, Co., Inc., at or near Monroe and Shreveport, LA to points in AL, AR, GA, IL, IN, IA, KS, KY, MN, MS, MO, NE, OK, TN, TX and WI; *Materials and supplies and equipment utilized in the manufacturing, processing and distributing of the commodities described above*, from points in AL, AR, GA, IL, IN, IA, KS, KY, MN, MS, MO, NE, OK, TN, TX, and WI to the plantsites and facilities of National Steel Products, Co., Inc., at or near Monroe and Shreveport, LA; *Iron and steel sheeting and coil* from the facilities of Midwest Steel Division, National Steel Corporation, at or near Portage, IN to points in the St. Louis, MO Commercial Zone. Vendee is authorized to operate as a *common carrier* in all States in the United States (except AK, HI and the District of Columbia). Application has been filed for temporary authority under section 210a(b). (Hearing site: Salt Lake City, UT.)

MC–F–13874F. Authority sought for merger by COLONIAL REFRIGERATED TRANSPORTATION, INC., 9401 Executive Park Drive, Suite 110, Knoxville, TN., 37919 with CLAREMONT MOTOR LINES, INC., P.O. Box 100, Highway 64–70 East, Claremont, NC., 28610, of control of such rights through the merger. Applicants' Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN, 37901. Operating rights sought to be merged: (A) New furniture and furniture parts, as a common carrier, over irregular routes, from Conover, Hickory, Lenoir, Lincolnton, and Newton, NC, to points in OH, points in that part of VA West of US Hwy 220 starting at the NC–VA West of US Hwy 11 to the WV–VA State line, except points in Lee, Scott, Wise, Russell, Dickensen, and Washington Counties, VA., points in WV West of U.S. Hwy 11, and points in MD West of U.S. Hwy 11; (B) Salt and salt products, and pepper, in packages, when transported in mixed loads with salt and salt products, as a common carrier over irregular routes, from Marysville and St. Clair, MI, and Rittman and Akron, OH, to points in that part of KY East of U.S. Hwy 31W; NC, SC; points in that part of TN East of U.S. Hwy 31W, commencing at the KY–TN State line to Nashville, TN and running along U.S. Hwy 31 to the

TN–AL State line; and VA. (C) Animal and poultry mineral feed mixtures, in packages, in mixed loads with salt and salt products, as a common carrier over irregular routes, from Rittman, OH and Marysville, MI, to the same points as set forth in (B) above. (D) (1) Salt and salt products; (2) pepper in packages, when moving in mixed loads with salt and salt products; and (3) animal and poultry feed, in packages, and mineral and protein blocks for animal feeding, when moving in mixed loads with salt and salt products, from Rittman and Akron, OH, to points in WV and MD; (E) (1) Salt and salt products; (2) animal and poultry feed, in packages, and mineral and protein blocks from animal feeding, when moving in mixed loads with salt and salt products, as a common carrier over irregular routes, from Fairport Harbor, OH, to points in NC and VA, restricted against the transportation of salt and salt products, in bulk, to points in VA; (F) Materials and supplies used in the agricultural, water treatment, food processing wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products (otherwise authorized), as a common carrier, over irregular routes, (1) from Akron and Rittman, OH, and Marysville and St. Clair, MI, to points in that part of KY East of U.S. Hwy 31W; NC, SC; to points in that part of TN East of U.S. Hwy 31W commencing at the KY–TN State line to Nashville, TN and running then along U.S. Hwy 31 to the TN–AL State line; and VA. (2) from Akron and Rittman, OH to points in MD and WV. (G) Cotton yarn, on beams, as a common carrier, over irregular routes, from Statesville, NC and points within 15 miles thereof, and Mount Holly, NC and points within 5 miles thereof, and Mount Holly, NC and points within 5 miles thereof, to New Bedford, MA.; and, Empty yarn beams, as a common carrier over irregular routes, from New Bedford, MA., to Statesville, NC and points within 15 miles thereof, and Mount Holly, NC and points within 5 miles thereof. (H) Cotton yarn, in cartons, as a common carrier over irregular routes, from Statesville, NC, and points within 15 miles thereof, and Mount Holly, NC, and points within 5 miles thereof, to Baltimore, MD, Newark, NJ, points in the NY, NY commercial zone, as defined in 1 M.C.C. 665, points in that part of PA on and east of US Hwy 11, and points in CT, MA, and RI; (i) Poultry products, poultry dinners and animal feed, as a common carrier, over irregular routes from points in Wilkes, Alexander, and Union Counties, NC, and Hanover and Accomack Counties, VA, to points in that part of the US east of a line beginning at the mouth of the MS River, and extending along the MS River to its junction with the western boundaries of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the US–CD Boundary line, and points in LA, IA, MO, AR, KS, NB, OK and MN, restricted against the transportation of commodities in bulk and to the transportation of traffic originating at the above-named origin points. (j) New furniture, as a common carrier, over irregular routes, from points in Alexander, Burke, Caldwell, Catawba, Iredell and Lincoln Counties, NC, to points in MI and points in those parts of both NY and PA on and west of US Hwy 11; (k) New furniture, as a common carrier, over irregular routes, from points in Alexander, Burke, Caldwell, Catawba, Iredell, and Lincoln Counties, NC to points in IN; (l) Canned and preserved foodstuffs, as a common carrier over irregular routes, from Biglerville and Gardners, PA and Inwood, WV, to points in NC; (m) Canned goods and preserves and vinegar, in bottles and barrels, as a common carrier, over regular routes, between Inwood, WV and Biglerville, PA., serving no intermediate points: from Inwood over U.S. Hwy 11 to Chambersburg, PA, then over U.S. Hwy 30 to Gettysburg, PA.; and then over PA Hwy 34 to Biglerville, and return over the same route. (n) Apples and peaches, as a common carrier, over irregular routes, from Winchester, Berryville, Mt. Jackson, New Market, and Front Royal, VA, Romney, Berkley Springs, Martinsburg, Charles Town, and Tobler's Station, WV, to points in NC; (o) Fruit products, canned goods, sauerkraut, and pickles, as a common carrier over irregular routes, from Winchester, Strasburg, Front Royal, Harrisonburg, and Waynesboro, VA and Inwood and Martinsburg, WV, to points in NC; (p) Canned Food products, as a common carrier over irregular routes from Front Royal, VA, to points in NC. Vendee is authorized to operate as a common carrier in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b) of the Act.

Note.—In MC–F–13226, control was granted by an order served January 6, 1978.

MC–F/13909F—Authority sought for purchase by GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA, 18518 of the operating rights of QUEENSWAY, INC., 105 North Keyser Avenue, Old Forge, PA 18518, of control of such rights through the transaction. Applicant's Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517 Operating rights sought to be transferred. No MC–135631 Sub. 1, Irregular routes, acoustical materials, acoustical supsension systems, fibrous non-breathing splines, insulating materials and accessories of insulating materials and ceiling and wall ornaments (except commodities in bulk) from the plantsite of Celotex Corporation at Harding, PA to points in Vermont, Rhode Island, Connecticut, Massachusetts, Pennsylvania, New York, New Jersey, Maryland, Virginia, West Virginia, Delaware, North Carolina, South Carolina and the District of Columbia, and RESTRICTION: The operations authorized above are restricted to the transportation of traffic originating at the named origin. Material, supplies, accessories and equipment used in connection with the manufacture, sale and distribution of the commodities above (except commodities in bulk), from points in Vermont, Rhode Island, Connecticut, Massachusetts, Pennsylvania, New York, New Jersey, Maryland, South Carolina, Virginia, West Virginia, Delaware, North Carolina and the District of Columbia, to the plant site of Celotex Corporation at Harding, PA.

MC–135631 Sub. 7—Irregular Routes, Plastic dishwashing machine racks, and wire shelving, from the facilities of Metropolitan Wire Corp., at Wilkes Barre PA., and Berkeley Heights, NJ, to points in Illinois, Indiana, Michigan and Ohio. Hand carts and trays, from the facilities of Bucksco, Inc., a subsidiary of Metropolitan Wire Corp., at Quakertown, PA, to points in Illinois, Indiana, Michigan and Ohio. GILCHRIST TRUCKING, INC., holds no authority from this commission. However, John Gilchrist is President, director and sole stockholder of both the Transferee and the Transferor. Application has not been filed for temporary authority under section 210a(b).

MC–F/13913F. (Correction) (RYDER TRUCK LINES, INC.—Merger—OKLAHOMA BORDER EXPRESS, INC., and M & M FREIGHT LINES, INC.), published in the February 15, 1979, issue of the **Federal Register**, on pages 9866 and 9867. Previous notice inadvertently ommited the two route descriptions of the Oklahoma Border Express, Inc. authority. These authorities are as follows: *General commodities* (except commodities of unusual value, classs A and B explosives, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment), as a *common carrier*, over regular routes, between Webbers Falls, OK, and Tulsa, OK, serving no intermediate points: From Webbers Falls over U.S. Highway 64 to junction Muskogee Turnpike, then over Muskogee Turnpike and Okalhoma Highway 51 to Tulsa, and return over the same route. Between Oklahoma City, OK, and Altus, OK, serving the intermediate points of Cache, Indianhoma, Snyder, Headrick, and Altus Air Force Base, OK: From Oklahoma City over the H.E. Bailey Turnpike to Lawton, OK, then over U.S. Highway 62 to Altus, and return over the same route.

MC–F–13914F. (Correction) (T.I.M.E.–D.C.—Purchase—TEXAS INTERSTATE MOTOR EXPRESS, INC.), published in the February 23, 1979, issue of the **Federal Register**, on page 10854. *In the third from the last line of part (2) of the Notice, the following clause appears: "thence along U.S. Highway 37 to San Antonio, TX * * *". The correct discription should be: "Thence along U.S. Highway 87 to San Antonio, TX * * *"*

MC–F–13933F. Authority sought for control by PEERLESS STAGES, INC., 2040 Castro Street, Oakland, CA., 94612 of GRAY LINE SCENIC TOURS, DBA CALIFORNIA-NEVADA GOLDEN TOURS, 1675 Millst (Box 1051), Reno NV, 89504 and for acquisition by ALEX GAETA, LLOYD PERRY, and ERNEST HELD OF 2040 Castro Street, Oakland, CA., 94612, of control of such rights through the transaction. Applicants' attorney: Irwin J. Borof, Suite 105–125 12th Street, Oakland, CA., 94607. Operating rights sought to be controlled: MC106170, Irregular routes, Passengers and their baggage, in special or charter operations, consisting of roundtrip sightseeing, or pleasure tours, beginning and ending at points in Washoe County NV, and extending to other points in Washoe, points in Story, Ormsby, Douglas, Clark, and White Pine Counties, NV, and points in Eldorado, NV, Mono, Lassen, Plumas, Inyo, Placer, Alpine and Sierra Counties, CA; (MC106170, Sub 1) Regular route: Passengers and their baggage, and express, in the same vehicle with passengers, between Reno, NV, and Reno Ski Bowl, NV, serving all intermediate points between the junction of US Hwy 395 and NV Hwy 27 and the Reno Ski Bowls, including the junction of US Hwy 395 and NV Hwy 27, from Reno over US Hwy 395 to junction NV Hwy 27, then over NV Hwy 27 to Mt. Rose Ski Bowl, NV, and then over unnumbered Hwy approximately 2.2 miles to Reno Ski Bowl, and return over the same route; Irregular Routes: Passenger and their baggage, in special or charter operations, in roundtrip sightseeing or pleasure tours, beginning and ending at points in Placer and Eldorado Counties, CA, within 20 miles of CA Hwy 89 (except no pick-up or discharge of passengers authorized at any point on U.S. Hwy 50 west of the junction US Hwy 50 and CA Hwy 89), and extending to other points in Placer and Eldorado Counties, CA, and points in Storey, Ormsby, and Washoe Counties, NV; passengers and their baggage, in special or charter operations, in sightseeing or pleasure tours, between Reno NV, on the one hand, and, on the other, Tahoe City, Truckee, and Squaw Valley, CA; (MC–106170, MC–106170 Sub 4) Regular route: Passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, between Reno NV, and Virginia City, NV, serving all intermediate points, from Reno over US Hwy 395 to Steamboat, NV, then over NV Hwy 17 to Virginia City, and return over the same route; (MC–106710 Sub 5) Irregular Routes: Passengers and their baggage in the same vehicle with passengers, in special operations, in one-way sightseeing or pleasure tours, from those points in El Dorado and Placer Counties, CA, within 20 miles of CA Hwy 89, to points in Storey and Washoe Counties, NV, with no transportation for compensation on return except as otherwise authorized. From Reno, NV, to those points in Placer and El Dorado Counties, CA, within 20 miles of CA Hwy 89, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted against the pickup or discharge of passengers at any point on US Hwy 50 west of the junction of US Hwy 50 and CA Hwy 89; (MC–106170, Sub 8) Irregular routes: Passengers and their baggage, in special operations, between Tahoe Valley Airport, CA., Reno, NV, Reno Municipal Airport, NV and points on the following highway segments: (1) unnumbered highway between Tahoe Valley Airport, CA., and junction unnumbered highway and US Hwy 50; (2) US Hwy 50 and US Hwy 395; (3) US Hwy 395 between junction US Hwy 50 and US Hwy 395 and junction US Hwy 395 and NV Hwy 66; (4) NV Hwy 63 between junction US Hwy 395 and NV Hwy 63 and Reno Municipal Airport; (5) US Hwy 395 between junction NV Hwy 63 and US Hwy 395 and Reno, NV; (6) NV Hwy 19 between junction US Hwy 50 and NV Hwy 19 north of Stateline, NV and junction U.S. Hwy 395 and NV Hwy 19; and (7) US Hwy 395 between junction US Hwy 395 and NV Hwy 19 and junction US Hwy 395 and US Hwy 50 Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to the transportation of passengers picked up or discharged at Tahoe Valley Airport and Reno Municipal Airport. The authority granted herein is restricted to the transportation of passengers having an immediately prior or immediately subsequent movement by air; (MC 106170, Sub 9) Irregular Routes: Passengers and their baggage, in special or charter operations, consisting of roundtrip sightseeing, or pleasure tours, beginning and ending at points in Douglas and Ormsby Counties, NV and extending to points in Douglas, Ormsby, Washoe, and Storey Counties, NV, and El Dorado and Placer Counties, CA; Passengers and their baggage, in special or charter operations, in one-way sightseeing or pleasure tours, between points in Douglas and Ormsby Counties, NV, on the one hand, and, on the other, points in Douglas, Ormsby, Washoe, and Storey Counties, NV, and those points in El Dorado and Placer Counties, CA, within 20 miles of CA Hwy 89 (except that no pickup or discharge of passengers is authorized at any point on US Hwy 50 west of junction US Hwy 50 and CA Hwy 89); (MC–106170 Sub 11) Irregular routes: Passengers and their baggage, in special and charter operations, between San Francisco and Sacramento, CA, and points in Alameda, San Mateo, Contra Costa, San Joaquin, and Santa Clara Counties, CA, on the one hand, and, on the other, points in Douglas, Washoe, and Storey Counties, NV, and Carson City, NV (MC–106170 Sub 13) to operate as a common carrier by motor vehicle (A) over regular routes, of passengers, (1) between Stateline, NV, and Independence Lake and Webber Lake, CA, from Stateline over US Hwy 50 to the junction of NV Hwy 28 then over NV Hwy 28 to the NV–CA State Line, then over CA Hwy 28 to the junction of CA Hwy 267, then over CA Hwy 267 to Truckee, CA then over CA Hwy 89, to junction of unnumbered CA Hwy then over unnumbered CA Hwy to Independence Lake and also over unnumbered CA Hwy to Webber Lake, and return over the same routes; (2) between the junction of US Hwy 50 and NV Hwy 28, and Truckee, CA from junction US Hwy 50 and NV Hwy 28, over US Hwy 50 to junction US Hwy

395, then over US Hwy 395 to Reno, NV, then over Interstate Hwy 80 to Truckee, and return over the same route (3) between the junction of NV Hwy 27 and US Hwy 395 and the junction of NV Hwy 27 and NV Hwy 28, over NV Hwy; and (4) between the junction of NV Hwy 17 and US Hwy 395 and Carson City, NV, from the junction of NV Hwy 17 and US Hwy 395, over NV Hwy 17 to junction US Hwy 50, then over US Hwy 50 to junction US Hwy 395 at Carson City, and return over the same route; and (B) over irregular routes, of passengers and their baggage, in special and charter operations, between points Washoe, Storey and Douglas Counties, NV, and Carson City, NV, on the one hand, and on the other, points in Sierra and NV counties, CA, subject to the condition that the grants of authority in (A) and (B) above shall not be severable, by sale or otherwise, without the express approval of this Commission, and restricted in (A) and (B) above to traffic originating at or destined to points in Sierra or NV Counties, CA. Peerless Stages, Inc. holds operating authority under MC–66505 and is authorized to operate as a common carrier in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b) of the Act.

MC–F–13935F. Authority sought by JAMES V. TEEGERSTROM, P. O. Drawer DD, Palestine, Texas 75801, for control, through stock ownership, of Solar Transport, Inc., P. O. Drawer DD, Palestine, Texas 75801. Applicant's attorney, Kenneth R. Hoffman, 801 Vaughn Building, Austin, Texas 78701. Operating rights sought to be controlled; MC–143661 (Sub No. 1) for the transportation of (1) solar panels and parts from the facilities of Solar Manufacturing, Inc. at or near Palestine, Texas to points in the United States (except Alaska and Hawaii) and (2) materials, equipment and supplies utilized in the manufacture, distribution and installation of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Palestine, Texas under a continuing contract or contracts with Solar Manufacturing, Inc. of Palestine, Texas. Applicant also owns 100 percent of the stock of PalTex Transport Co., a contract carrier which operates pursuant to authority granted in Permit No. MC–129328 and various sub numbers. Approval of common control will not result in dual operations or duplicating authority. Application has not been filed for temporary authority under Section 11349, formerly Section 210a(b).

MC–F–13945F. Authority sought for purchase by JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066, of the operating rights of R.E. McCORMACK AND D.L. McCORMACK, DBA McCORMACK TRUCK LINES, P.O. Box 74937, Oklahoma City, OK 73127, and for acquisition by W E H, INC., 1607 First National Center, Oklahoma City, OK 73102 of control of such rights through the transaction. Applicants' representatives: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 and R.E. McCormack, P.O. Box 74937, Oklahoma City OK 73127. Operating rights sought to be transferred: *Canned goods*, as a *common carrier*, over *irregular* routes, from points in CA to Oklahoma City, OK. Vendee is authorized to operate as a *common* carrier in AZ, AR, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY. Vendee is also authorized to operate as a *contract* carrier in AZ, AR, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT, WA and WY. Application has been filed for temporary authority under section 210a(b).

MC–F–13949F. Authority sought for purchase by BN TRANSPORT INC., 6775 East Evans Avenue, P.O. Box 22694—Wellshire Station, Denver, Colorado 80224, of a portion of the operating rights of BURLINGTON NORTHERN INC., 176 East Fifth Street, St. Paul, Minnesota 55101. Transferee's Attorney: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. Transferor's Attorney: William R. Power, 176 East Fifth Street, St. Paul, MN 55101. Operating rights sought to be transferred: *GENERAL COMMODITIES* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), as a COMMON CARRIER over Regular Routes in MT and ND with certain restrictions serving various intermediate and offroute points as more specifically described in Certificate No. MC–28573 Sub 34 and Sub 35. BNT is authorized to operate as a common carrier in CO, ID, IL, IN, IA, KS, MN, MO, MT, NE, ND, OR, WA, WI, and WY. Application has not been filed for temporary authority under Section 210a(b).

MC–F–13953F. Authority sought by FOUR WINDS VAN LINES, INC., 7035 Convoy Court, P.O. Box 81985, San Diego, CA 92138, for purchase of a portion of the operating rights of Trans-American Van Services, Inc., P.O. Box 12608, Fort Worth, TX 76115, and for control of the rights through the purchase by Four Winds Enterprises, Inc., 7035 Convoy Court, San Diego, CA 92138. Applicants' attorneys: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036, Marshall Kragen, 1835 K Street, N.W., Suite 600, Washington, D.C. 20006, and Joe Colvin, 2002 Continental Life Building, Forth Worth, Texas 76102. Operating rights sought to be purchased are contained in MC 22254 (Sub-Nos. 8 and 28), authorizing transportation as a *common carrier*, over irregular routes, of household goods, as defined by the Commission, between points in the United States (except AK). Vendee is authorized to operate in the States of MD, AZ, CA, CO, IA, KS, MS, MO, NV, UT, and VA. Application has been made for temporary authority under section 210a(b).

Docket No. MC–F–13955F. Applicant (Transferee): LINUS JANKORD, Box 82, Revillo, SD 57259. Applicant (Transferor): ERKEL TRANSFER, INC., 21 North Lexington Avenue, LeCenter, MN 56057. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority sought for purchase by Linus Jankord, Box 82, Revillo, SD 57259, of a portion of the operating rights of Erkel Transfer, Inc., 21 North Lexington Avenue, LeCenter, MN 56067, and for control of such rights through the transaction. Applicants' attorney: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Operating rights sought to be transferred: Transferee is purchasing only the authority contained in Certificate No. MC 56863 (Sub-5) dated March 3, 1971: Regular Routes: *General commodities*, from ST. Paul, Minn., to Milbank, S. Dak., serving the intermediate point of Minneapolis, Minn., for pickup only, and serving the off-route point of Revillo, S. Dak., for delivery only: from St. Paul over U.S. Highway 12 to Milbank, and return over the same route with no transportation for compensation except as otherwise authorized. *Livestock, empty barrels, drums, baskets, crates, and boxes*, from Milbank, S. Dak., to South St. Paul, Minn., serving the intermediate points of Minneapolis and St. Paul, Minn., for delivery only, and serving intermediate and off-route points in South Dakota within 25 miles of Milbank, for pickup only: from Milbank over U.S. Highway 12 to St. Paul, Minn., thence over city streets and connecting highways to South St. Paul, and return over the same route with no transportation for compensation except as otherwise

authorized. *Twine,* from Stillwater, Minn., to Milbank, S. Dak., serving no intermediate points, but serving the off-route point of Revillo, S. Dak., for delivery only: from Stillwater over Minnesota Highway 212 to Minneapolis, Minn., thence over U.S. Highway 212 to junction U.S. Highway 75 thence over U.S. Highway 75 to Madison, Minn., thence over Minnesota Highway 40 via Marietta, Minn., to the Minnesota-South Dakota State line, thence over South Dakota unnumbered highway via Revillo, S. Dak. to junction U.S. Highway 77, thence over U.S. Highway 77 to Milbank (also from Minneapolis over U.S. Highway 12 to Milbank), and return over the same routes with no transportation for compensation except as otherwise authorized. From Duluth, Minn., to Milbank, S. Dak., serving no intermediate points, but serving the off-route point of Revillo, S. Dak., for delivery only: from Duluth over U.S. Highway 61 to junction Minnesota Highway 23 at or near Sandstone, Minn., thence over Minnesota Highway 23 to St. Cloud, Minn., thence over U.S. Highway 52 to Sauk Centre, Minn., thence over Minnesota Highway 28 to Graceville, Minn., thence over U.S. Highway 75 to Ortonville, Minn., thence over U.S. Highway 12 to Milbank, and return over the same route with no transportation for compensation except as otherwise authorized. From Duluth over U.S. Highway 61 to St. Paul, Minn., thence over U.S. Highway 12 to Milbank, and return over the same route with no transportation for compensation except as otherwise authorized. Regular and Irregular Routes: *General commodities,* from St. Paul, Minn., to Milbank, S. Dak., serving the intermediate point of Minneapolis, Minn., for pickup only, and serving the off-route point of Revillo, S. Dak., for delivery only: from St. Paul over U.S. Highway 212 to the Minnesota-South Dakota State line, thence over irregular routes to Milbank, with no transportation for compensation on return except as otherwise authorized, over the irregular and regular routes specified. *Livestock, empty barrels, drums, baskets, crates, and boxes,* from Milbank, S. Dak., to South St. Paul, Minn., serving the intermediate points of Minneapolis and St. Paul, Minn., for delivery only, and serving intermediate and off-route points in South Dakota within 25 miles of Milbank, S. Dak., for pickup only: from Milbank over irregular routes to the South Dakota-Minnesota State line, thence over U.S. Highway 212 to St. Paul, Minn., thence over city streets and connecting highways to South St. Paul, with no transportation for compensation on return except as otherwise authorized, over the regular and irregular routes specified. *Irregular Routes: Emigrant movables,* between Milbank, S. Dak., and points in South Dakota within 25 miles of Milbank, on the one hand, and, on the other, points in Minnesota. *Dry fertilizer compounds,* in bulk, from Pine Bend, Minn., to points in Brown, Codington, Day, Deuel, Grant, Roberts and Marshall Counties, S. Dak., with no transportation for compensation on return except as otherwise authorized. *Dry fertilizer compounds,* from Valley Park, Minn., to points in Brown, Codington, Day, Deuel, Grant, Roberts, and Marshall Counties, S. Dak., with no transportation for compensation on return except as otherwise authorized. *Dry fertilizer compounds,* in bags, from Pine Bend, Minn., to points in Brown, Codington, Day, Deuel, Grant, Roberts, and Marshall Counties, S. dak., with no transportation for compensation on return except as otherwise authorized. *Feed, livestock, agricultural commodities, lumber, household goods* as defined by the Commission, *emigrant movable, twine,* and *farm machinery and parts thereof,* beteen Nassau, Minn., and points in Minnesota within 35 miles of Nassau, on the one hand, and, on the other, points in Roberts, Grant, Deuel, and Codington Counties, S. Dak. Between points in South Dakota with 35 miles of Nassau, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Newport, Minn. Transferee is a common carrier authorized to operate in the states of MN and SD. Application has been filed to temporary authority under Section 210a(b). (Hearing site: St. Paul, MN).

MC–F–13957F. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 14510 West Eight Mile Road, Oak Park, Michigan 48237, of a portion of the operating rights of EWING TRANSPORTATION, INC., Routes 452 and 322, Chester, Pennsylvania 19014, and for acquisition for control by Wayne E. Long, 14510 West Eight Mile Road, Oak Park, Michigan 48237, through the transaction. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be purchased: MC 97631 Sub 2 authorizes transportation of new furniture from Philadelphia, PA to points in NJ, NY, DE, and MD; and general commodities (usual exceptions) between points in Delaware County and Philadelphia County, PA. The Sub 5 certificate authorizes general commodities (usual exceptions) operations (1) between Philadelphia, PA and Wilmington, DE over U.S. Hwy 13 serving all intermediate points and 11 designated off-route points, (2) between Philadelphia on the one hand, and, on the other, Wilmington, DE and points in DE within 20 miles of Wilmington, and (3) between points in Philadelphia, PA. Long Transportation Company is authorized to operate as a *common carrier* of general commodities, with exceptions, over regular and irregular routes in CT, DC, IL, IN, MD, MI, NY, NJ, OH, and PA. Application has been filed for temporary authority under Section 11349.

No. MC–F–13964F. Authority sought by WESTERN LINES OF TEXAS, INC., 3525 North McCarty, P.O. Box 1145, Houston, TX 77001, to purchase the operating rights and certain motor carrier properties of WESTERN LINES, INC., 3525 North McCarty, P.O. Box 1145, Houston, TX 77001, and for acquisition by ACE DORAN HAULING & RIGGING CO. and Richard E. Doran, Robert J. Doran, and C. M. Doran, of 1601 Blue Rock Street, Cincinnati, Ohio, of control of such rights through purchase. Applicants' attorneys: JOHN P. McMAHON, 100 East Broad Street, Columbus, OH 43215, and CHRISTIE S. FLANAGAN, 220 First National-Bank Building, Dallas, TX 75202. Operating rights sought to be purchased; A. Common Carrier Certificates: (1) *steel articles and materials* used or useful on highway construction projects (except cement, rock, sand and gravel) from Houston, TX to points in AR, LA, and OK within 400 miles of Houston, TX; (2) *lumber* from points in LA and NM to TX; (3) *lumber* from LA and TX to NM, OK and LA; (4) *wooden farm implement parts* from Arcadia, LA to Memphis, TN; (5) *rough and dressed lumber* from part of TX to Arcadia, LA; (6) *finished lumber* from Ada, Heflin, Danville and Hunt, LA to parts of TX, AR and MS and from Danville and Hunt, LA to Shelby County, TN; (7) *rough or dressed lumber* from Ada, Heflin, Danville and Hunt, LA to part of TX; (8) *iron and steel articles* (except Mercer commodities) between Greenville, Natchez and Vicksburg, MS, on the one hand, and, on the other, LA, OK and TX; (9) *iron and steel articles* from Baytown, TX to AR, KS, LA, MS, NM, and OK; (10) *lumber and particleboard* from Huttig, AR and Lillie and Winfield, LA to AR, KS, LA, MS, MO, NM, OK and TX; (11) *wood shavings and sawdust* from Huttig, AR to Lillie, LA; (12) *particleboard* from facilities of Duraflake South, Inc. at or near Simsboro, LA to points in the United States in and east of ND, SD, NE, CO, and NM; (13) *Lumber and lumber products* between points in TX; (14)

lumber and lumber products and particleboard from Gloster, Louisville, and Taylorville, MS to New Orleans, LA; (15) *plastic pipe and plastic tubing* from the facilities of Tex-Tube Division of Detroit Steel Corporation at Houston, TX, to AR, KS, LA, MS, NM, and OK; (16) *lumber* from Scott County, MS, to AL, AR, FL, GA, LA, OK, TN, and TX; (17) *particleboard* from facilities of Olinkraft, Inc. at or near Monroeville (Monroe County), AL to AK, FL, GA, LA, MS, OK, TN, and TX; (18) *lumber* between points in AL, GA, LA, MS, and TN; (19) *cross-ties* from MS to AL and LA; (20) *iron and steel articles* and *nonferrous metal articles* from port Bienville, at or near Pearlington, MS, to AL, AK, FL, GA, KS, LA, MS, MO, OK, TN and TX (with exceptions); (21) *iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks,* and *parts* from Liberty County, TX to AL, AR, KS, LA, MS, MO, NM, and OK; (22) *railroad cross-ties* from AL to AR, FL, GA, KY, LA, MS, TN and TX; (23) *particleboard* from the facilities of Vanply, Inc. at or near Many, LA, to points in the United States in and east of CO, NE, NM, ND, and SD; (24) *roofing materials composition shingles, rolled roofing* and *roofing compounds and accessories* from the facilities of Elk Corporation at or near Stephen, AR to LA, MS and TX; (25) *treated poles, treated pilings, treated fence posts* and *treated lumber* from the facilities of American Creosote Works, Inc. at Winnfield, LA to AR, KS, IL, MS, MO, NM, OK and TX; (26) *iron and steel articles* from the one hand, and, on the other, MS, AL, GA and TN; (28) *rough and dressed lumber* from part of AR to part of LA; (29) *lumber* from MS, AL, GA, and TN to NM; (30) *lumber* from AL, GA and part of MS to part of OK; (31) *lumber* from parts of AL, GA and MS to part of OK; (32) *finished lumber* from Sabine and Vernon Parishes, LA to part of AR; (33) *finished lumber* from parts of MS and LA to part of AR; (34) *finished lumber* from part of LA to part of AR; B. Contract Carrier Permits: (1) *dry manufactured fertilizer* from the facilities of Monsanto Chemical Company at Eldorado, AR to KS, OK, NM, and TX; (2) *dry manufactured fertilizer* and *urea* from Luling, LA and points within 5 miles thereof to KS, OK, TX, NM, MO and AR; (3) *dry fertilizer* from Houston, TX to LA; (4) *dry manufactured fertilizer* from St. Francis, TX to IA, KS, MO, NE, and OK; (4) *petroleum products* from Kansas City, KS to points in TX on and west of U.S. Highway 281; (5) *manufactured fertilizer* from Etter, TX to OK, KS, NE, IA, and MO; (6) *animal feed supplements* and *industrial urea products,* in bags, from Monsanto Chemical Company at or near El Dorado, AR to KS, OK, NM, and TX; (7) *animal feed supplements,* in bulk, from the facilities of Monsanto Company at or near El Dorado, AR to KS, OK, NM and TX; (8) *industrial urea* in bulk from facilities of Monsanto Chemical near El Dorado, AR to KS, OK, NM, and TX; (9) *petroleum products,* in containers, from Kansas City, KS to LA and points in TX east of U.S. Highway 281; (10) *dry ammonium nitrate and dry fertilizer* from Pike County, MO to AR, LA, NM, OK and TX; (11) *containers* from Camden, AK to LA, NM and points in Pike County, MO; (12) *dry ammonium nitrate and dry fertilizer* from Pike County, MO to AR; and (13) *containers* from Camden, AR to Pike County, MO. Vendee is not an authorized carrier but vendee's parent corporation, Ace Doran Hauling & Rigging Co. is authorized to operate as a common carrier of general commodities, size and weight commodities and specified commodities between various points in the contiguous forty-eight states. Application has been filed for temporary authority under 49 U.S.C. 11349. (Hearing site: Columbus, OH.)

MC–F–13967F. Authority sought for purchase by DE-PEN LINE, INC., Hollow Road, RD #1, P.O. Box 486, Phoenixville, PA, 19460, of a portion of the operating rights of B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA, 15224, and for acquisition by William J. Ford, also of Hollow Road, RD #1, P.O. Box 486, Phoenixville, PA, 19460, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006 and John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15216. Operating rights sought to be transferred: that portion of Certificate No. MC–1936 authorizing the transportation of general commodities, with the usual exceptions, over a regular route, between Pittsburgh, PA, and Cumberland MD, from Pittsburgh over PA Hwy 51 to Uniontown, PA, then over U.S. Hwy 40 to Cumberland, and return over the same route, serving all intermediate points and the off-route points in Allegheny, Beaver, Fayette, Washington and Westmoreland Counties, PA. Vendee is authorized to operate as a common carrier in PA, NJ, NY, DE, MD, VA and DC. Common control may be involved. Application has been filed for temporary authority under Section 210a(b).

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 97879 (Sub-3F), filed February 2, 1979. Applicant: BAB TRANSFER, INC., Clinton Street Extension, P.O. Box 3500, Springfield, MA 01101. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Albany, NY on the one hand, and, on the other, points in MA, and (2) *Paper, paper products, and materials, supplies, and equipment,* used in the manufacture of paper and paper products between points in Massachusetts on the one hand, and, on the other, Nashua, NH, Bennington, VT, Elizabeth, Bloomfield and Hoboken, NJ, points in CT, and points in that part of NY east of a line beginning at the United States-Canada Boundary line and extending along NY Hwy 374 to Chateaugay, and thence along a line from Chateaugay through Amsterdam and Middletown, NY, to the NY-NJ State line at a point near Greenwood Lake, NY. (The purpose of this Application is to eliminate the Gateway of Monroe

Bridge, Massachusetts.) (Hearing site: Boston, MA or Albany, NY.)

Note.—This Application is directly related to MC–F–78024, Bab Transfer, Inc.—Purchase—Northways, Incorporated.

MC 97879 (Sub-No. 4F), filed February 2, 1979. Applicant: BAB TRANSFER, INC. Clinton Street Extension, P.O. Box 3500, Springfield, MA 01101. Representative: David Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk), between points in MA, of a Certificate of Registration. (Hearing sites: Boston, MA or Albany, NY.)

Note.—This is a Conversion Application/ directly related to the Finance Proceeding entitled Bab Transfer, Inc.—Purchase—Northways, Incorporated MC–FC–78024.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-9760 Filed 4-2-79; 8:45 am]
BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

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 101134 (Sub-No. 8F), Aro Coaches, Inc., now assigned April 9, 1979 at New York, New York is postponed to June 25, 1979 (5 days) at New York, New York in a hearing room to be later designated.

MC 135633 (Sub-No. 14F), Nationwide Auto Transporters, Inc., now assigned for hearing on April 25, 1979, at Wash., D.C., is changed to a Prehearing Conference, on April 25, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 145399F, Shay Distributing Co., Inc. and No. MC 145399 (Sub-No. 1F), Shay Distributing Co., Inc., now assigned for hearing on May 17, 1979, at Los Angeles, Calif. are advanced to May 16, 1979 (3 days), at Los Angeles, California, in a hearing room to be later designated.

MC 120761 (Sub-No. 43F), Newman Bros. Trucking Company, now assigned for hearing on May 14, 1979 (2 days), at Houston, TX., in a hearing room to be later designated.

MC 120761 (Sub-No. 43F), Newman Bros. Trucking Company, now assigned for continued hearing on May 16, 1979 (3 days), at Dallas TX., in a hearing room to be later designated.

MC 124692 (Sub—No. 224F), Sammons Trucking, now assigned for hearing on May 21, 1979 (2 days), at Dallas, TX., in a hearing room to be later designated.

MC 4405 (Sub-No. 581F), Dealers Transit, Inc., MC 82841 (Sub-No. 229F), Hunt Transportation, Inc., MC 109692 (Sub-No. 72F), now assigned for hearing on May 23, 1979 (2 days), at Dallas, TX., in a hearing room to be later designated.

MC 23618 (Sub-No. 42F), McAlister Trucking Company, now assigned for hearing on May 25, 1979 (1 day), at Dallas, TX., in a hearing room to be later designated.

H. G. Homme, Jr.
Secretary.
March 29, 1979.

[Notice No. 58]

[FR Doc. 79-10197 Filed 4-2-79; 8:45 am]
BILLING CODE 7035-01-M

Departure From the Transmission of Tariff Regulations 49 CFR 1310—Bureau Mileage Guide (Petition by Household Goods Carriers' Bureau)

AGENCY: Interstate Commerce Commission.

ACTION: Request for public comment.

SUMMARY: Public comment is invited on a petition by the Household Goods Carriers' Bureau (HGCB) for exemption from a traiff filing requirement when it publishes new mileage guides. Relief is sought with regard to the mailing requirement of 49 CFR 1310.31 (a) and (b) to enable HGCG to avoid the expenses of (1) mailing new guides to previous purchasers who are no longer interested in them, (2) mailing copies of new guides to incorrect addresses, and (3) printing guides that are not purchased and not returned. HGCB contands that the public will not be harmed by the relief in question since (1) advance notification of a forthcoming reissue of the milage guide will be given to all prior purchasers and subscribers, and (2) this notice will provide information on how to obtain a copy for those wishing to purchase one.

DATES: Comments should be filed with the Commission on or before May 3, 1979.

ADDRESSES: An original and 10 copies, if possible, of each submission should be forwarded to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Janice Mr. Rosenak, or Harvey Gobetz, Telephone: (202) 275–7693.

SUPPLEMENTARY INFORMATION: 49 CFR 1310.31 (a), (b), and (g) require that copies of tariff changes, such as a forthcoming new mileage guide (MG–12) and any subsequent reissues, be sent to purchasers of the previous issue. HGCB would incur considerable expense in meeting this requirement. It notes that a copy of each guide costs approximately $39.50 to publish and mail, and approximately 36,000 copies of the previous issue (MG–11) have been purchased. Meeting the requirement and forwarding copies of reissues to the 36,000 addresses of prior purchasers, therefore, involves considerable expense.

A portion of this considerable expense appears wasted because (1) many of the addresses of prior purchasers are over 4 years old, and no longer valid; and (2) some prior purchasers may not wish to pay for the new guide. In both cases the outgoing and return postage will be wasted. Moreover, the guide itself may not be returned since (1) it consists of attractivley bound maps of each state as well as Canada and Mexico, and (2) under the various federal and state laws, previous subscribers receiving the reissue of the mileage guide without specifically ordering it would not be required to go to the expense of returning. For these reasons, HGCB seeks a waiver of 49 CFR 1310.31 and, in lieu thereof, would simply provide advance notification to all prior subscribers as well as information on how they can obtain a copy—if they do, in fact, want one.

Accordingly to HGCB, this is the best solution to the problem. Other alternatives were considered but rejected. These alternatives include the use of COD service and the use of an advance deposit. COD service is faulted because of the added postal charges ($1.65) to all recipients and the fact that is still would not preclude losses from returning undesired guides. Use of advance deposits is faulted as undesirable for the shipper viewpoint.

Dated: March 16, 1979.

By the Commission: Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian.

H. G. Homme, Jr.
Secretary.

[370573]

[FR Doc. 79-10199 Filed 4-2-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43676, Burma Five Star Shipping Corporation's No. 100 intermodal rates on commodities in containers, from Rangoon, Burma, to rail carriers' terminals on the U.S. Atlantic and Gulf Coasts by way of U.S. Pacific Coast ports, in its Tariff ICC BFSU 7000, effective April 15, 1979. Grounds for relief—water competition.

By the Commission

March 29, 1979.

H. G. Homme, Jr.,
Secretary

[FR Doc. 79-10198 Filed 4-2-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protests 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.

NOTE: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 29642 (Sub-No. 13TA), filed February 23, 1979. Applicant: FIVE TRANSPORTATION COMPANY, 5505 Community Road (P.O. Box 1635), Brunswick, GA 31520. Representative: James M. Fiveash (address same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes; *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Millen, GA., and Lyons, GA., serving all intermediate points: from Millen over U.S. Hwy. 25 to the junction of GA. Hwy. 121, then over GA. Hwy. 121 to Cobbtown, then over GA. Hwy. 152 to Lyons, and return over the same route. Between Millen, GA., and Savannah, GA., serving all intermediate points: from Millen over GA. Hwy., 17 to the junction of U.S. Hwy. 80, and return over the same route. Between Pembroke, GA., and Springfield, GA., serving all intermediate points: from Pembroke over GA. Hwy. 119 and SC. Hwy. 119 to Springfield, GA., and return over the same route. Between Claxton, GA., and Sylvania, GA., serving all intermediate points; From Claxton over U.S. Hwy. 301 to Sylvania, and return over the same route, Between Savannah, GA., and Junction of Interstate 16 and GA. Hwy. 121, and return over the same route. Between Blichton, GA., and Junction of U.S. Hwy. 25 and GA., Hwy. 121, serving all intermediate points: From Blichton over U.S. Hwy. 80 to Statesboro, then over U.S. 25 to the junction of GA. Hwy. 121, and return over the same route. Between Pembroke, GA., and the junction of GA. Hwy 67 and U.S. Hwy. 25 serving all intermediate points; From Pembroke over GA. Hwy. 67 to the junction of U.S. Hwy. 25, and return over the same route, for 180 days, an underlying ETA seeks 90 days authority. There are 22 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to G. H. Fauss, Jr., DC, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 47583 (Sub-85TA), filed March 2, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kansas 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, Kansas 66044. Such commodities as are manufactured, processed, sold, used, distributed or dealt in by FORT HOWARD PAPER COMPANY, a manufacturer of Sanitary Paper Products (except commodities in bulk) for 180 days. An underlying ETA seeks authority for 90 days. Supporting Shipper(s): Fort Howard Paper Company, P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 71593 (Sub-No. 19TA), filed January 30, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ. 07076. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under part IV of the Interstate Commerce Act. Between Boston and Springfield, MA, New Haven, CT, New York, NY, Newark, NJ, Philadelphia, PA, Baltimore, MD, Columbus, Cleveland, Cincinnati, and Toledo, OH, Detroit, MI, St. Louis, MO, Memphis, TN, Chicago, IL, Milwaukee, WI, and St. Paul, MN, on the one hand, and, on the other, points in Florida, for 180 days. SUPPORTING SHIPPER: ABC Trans National Transport, Inc., 201-11th Avenue, New York, NY 10001, send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ, 07102.

MC 37523 (Sub-98TA), filed February 16, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St, NW, Suite 501, Washington, DC 20036. *Plastic containers, paper and fibreboard containers, and metal containers*, (1) between the facilities of Bercon Packaging, at or near Westbrook and Portland, ME and Gardner, MA, on

the one hand, and, on the other, Berwick and East Greenville, PA, Savage, MD, and Batavia, NY; (2) between the facilities of International Paper, at or near Manchester, NH, on the one hand, and, on the other, Albany, Cohoes, Colonie, Elmira, Glens Falls, Greenwich, Latham, Mechanicsville, Rensselaer, Saratoga Springs, Schenectady, Schylerville, Scotia, South Glens Falls, Troy, West Albany, Watervliet, Waterford, and Victory Mills, NY, and Whippany, NH; (3) between the facilities of Hussey Molding Corp. at or near Manchester, NH, on the one hand, and, on the other, Avenel, Branchburg, Kearny, Somerville, NJ, Albany, Brooklyn, Comstock, Cortland, Hauppauge, Lockport, Mamaroneck, Middleport, Niagara Falls, Port Jervis, Rochester, and Schenectady, NY, and Philadelphia, PA; and (4) between the facilities of Continental Can Company, at or near Merrimack, NH, on the one hand, and, on the other, New York, NY, Towaco, NH, Butler, PA, and Philadelphia, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Continental Can Company, Continental Ave, Merrimack, NH 03054; Hussey Molding Corporation, 1 Sundial Ave, Manchester, NH 03103; International Paper Company, 680 Hayward St, Manchester, NH 03103. Send protests to: Ross J. Seymour, DS, ICC, RM 3, 6 Loudon Rd, Concord, NH 03301.

MC 98952 (Sub-62TA), Filed February 28 , 1979. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford Street, Decatur, Illinois 62526. Representative: Paul E. Steinhour, 918 East Capitol Avenue, Springield, Illinois 62701. Such commodities as are dealt in by wholesale and retail food and drug business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business in mechanically refrigerated equipment, except in bulk, from the facilities of A. E. Staley Mfg. Co. within the Chicago, Illinois commercial zone to points in Indiana, Kentucky, Missouri, and Ohio. Restricted to shipments originating at named origin and destined to named destinations., for 180 days, underlying ETA seeks 90 days authority. Supporting Shipper(s): A. E. Staley Mfg. Co., 2200 East Eldorado Street, Decatur, Illionis 62525. Send Protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfiled, Illinois 62701.

MC 107403 (Sub-1168TA), Filed January 31, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Hydrobromic acid,* in bulk, in tank vehicles, from El Dorado, AR to Viterbo, TX and Gulfport, MS, for 180 days. An underlying ETA seks 90 days authority. Supporting Shipper(s): Velsicol Chemical Co., 341 E. Ohio St., Chicago, IL 60611.

Send Protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 107403 (Sub-1169TA), Filed February 7, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Petroleum products, vehicle body sealers, sound deadening compounds, and accoustical control items,* in bulk, in tank vehicles, from Warren County, MS to points in the U.S. (except AK & HI), for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. B. 989, Oil City, PA 16301.Send Protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 107403 (Sub-1170TA), Filed February 15, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Dry plastics, phosphates and soda ash,* in bulk, in tank vehicles, from the facilities of Bulk Distribution Centers at or near Atlanta, GA, to points in AR, KY, LA, MA, MD, MS, NC, OH, SC, TN, VA & WV, for 180 days. Supporting Shipper(s): Bulk Distribution Centers, Inc., P.O. B. 19022, Louisville, KY 40219. Send Protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 109373 (Sub-2TA), filed February 26, 1979. Applicant: NATIONAL TRUCKING, INC., P.O. Box 16081, Houston, TX 77022. Representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, TX 78701. (1) *Machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *earth drilling machinery and equipment and machinery, equipment, materials and supplies and pipe incidental to,* used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between Harris, Orange and Jefferson Counties, TX, on the one hand, and, on the other points in LA, for 180 days. There are 11 shippers. Their statements may be examined at the office listed below and Headquarters, send protests to John F. Mensing, Interstate Commerce Commission 8610 Federal Bldg., 515 Rusk Ave. Houston, TX 77002.

MC 104523 (Sub-72TA), filed February 9, 1979. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Paper bags and related commodities,* from points in AR to the facilities of American Colloid Company in Bowman County, ND; Butte County, SD; Phillips County, MT; and Big Horn and Weston Counties, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Colloid, 5100 Suffield Court, Skokie, IL 60076. Send protests to: Max H. Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 107002 (Sub-543TA), filed February 16, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, (same as applicant). *Sodium silico aluminate,* in bulk, in pneumatic vehicles, from Chickasaw and Mobile, AL to Jersey City, NJ, for 180 days. Supporting Shipper(s): Union Carbide Corporation, 270 Park Avenue, New York, N.Y. 10017. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldge., Jackson MS 39201.

MC 110563 (Sub-264TA), filed February 15, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: John L. Maurer, (same address as applicant). *meats, meat products meat by-products and articles distributed by meat packinghouses as described in Sections A, B & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 766 (except hides and skins and commodities in bulk),* from the facilities utilized by John Morrell & Company, at or near East St. Louis, IL and St. Louis, MO, to points in CA, for 180 days. Supporting Shipper(s): John Morrell &

Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: P. J. Crawford, Transportation Consumer Specialist, Interstate Commerce Commission, 313 Federal Office Building 234 Summit St., Toledo, OH 43604.

MC 112713 (Sub-248TA), filed March 1, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same as applicant). *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, those of unusual value and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under chapter 105, subchapter IV of the Act., between Marietta, GA, on the one hand, and, on the other, Jacksonville, Orlando, Tampa, Miami, Ft. Lauderdale and West Palm Beach, FL for 180 days. A corresponding ETA seeks 90 days authority. Supporting Shipper(s): Republic Freight System, Inc., Shawnee Mission, KS. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut, Kansas City, Mo.

MC 113362 (Sub-345TA), filed February 16, 1979. Applicant: ELLSWORTH, FREIGHT LINES, INC., 310 Eact Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Canned and preserved foodstuffs* from the facilities of Heinz U.S.A. Division of H. J. Heinz Co., at or near Pittsburgh, PA to points in TX. Restrict to Traffic originating at the named facilities and destined to the named state, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 114273 (sub-550TA), filed February 14, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. core, (same as applicant). *Telephone equipment, material and supplies*, between Chicago, IL and the site of the Western Electric Material Management Center near Tablers (Martinsburg), WV, for 180 days. An underly ETA seeks 90 days authority. Supporting Shipper(s): Western Electric Co., P.O. Box 25000, Greensboro, NC 27420. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-551TA), filed February 16, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same as applicant). *Paper and Paper products*, from Clinton, IA to Eden and Breensboro, NC for 180 days. An underlying ETA seeks 90 days authoity. Supporting shipper(s): International Paper Company, 200 Harrison Dr., Clinton, IA 52732. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 116073 (Sub-372TA), filed February 8, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, MN 56560. Representative: John C. Barrett, (same address as applicant). *Travel trailers and motor homes*, from the facilities of Silver Streak Trailer Company at or near South El Monte, CA, to points in the United States (except AK and HI), for 180 days. Supporting Shipper(s): Silver Streak Trailer Company, 2319 N. Chico Avenue, South El Monte, CA 91733. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 116763 (Sub-477TA), filed February 23, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380, Representative: Gary J. Jira, (same as applicant). *(1) Such merchandise as is dealt in by discount and variety stores (except foodstuffs, furniture and commodities in bulk) and (2) foodstuffs (except in bulk) and furniture, in mixed loads with the commodities in (1) above*, from the facilities of K-Mart Corporation at or near Charlotte, NC, to points in MA, NJ, PA, TN and TX. RESTRICTED to traffic originating at the named origin and destined to the named states, for 180 days. Supporting Shipper(s): K-Mart Corporation, Charles F. Rowe, Director of Transportation, 3100 W. Big Beaver Road, Troy, MI 48084. Send protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 116763 (Sub-483TA) filed February 21, 1979. Applicant CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Canned milk*, from Maysville, KY, to points in WI. RESTRICTED to traffic originating at the named origin and destined to the named destination state, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Carnation Company, Michael L. Whitehead, Asst. Manager of Transportation, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 116763 (Sub-484TA) filed February 22, 1979. Applicant CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Canned pet food*, from Ft. Dodge, IA, to Ft. Wayne, IN; Jacksonville, FL; Mechanicsburg, PA; and Chattanooga, TN. RESTRICTED to traffic originating at the named origin and destined to the named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Carnation Company, Michael L. Whitehead, Asst. Manager of Transportation, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 118803 (Sub-10TA), filed February 28, 1979. Applicant: ATLANTIC TRUCK LINES, INC., 100 Hamilton Plaza, Paterson, NJ 07505. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Contract, irregular. (1) Building materials; (2) commodities used in the installation and sale of building materials; and (3) materials, supplies and equipment used in the manufacture, distribution, shipping and sale of the commodities in (1) and (2) above. Restricted in (1), (2) and (3) against transportation in bulk. Between the facilities of Certain-Teed Products Corp. at or near Williamsport, MD and McPherson, KS, on the one hand, and on the other, points in the US (except AK and HI.), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Revere Aluminum Building Products, Inc., 45 Gilpin Avenue, Hauppauge, NY 11787. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St. Rm 618, Newark, NJ 07102.

MC 119493 (Sub-263TA) filed March 1, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (Same as applicant). *Such commodities as are dealt in or used by wholesale and retail discount or variety stores (except commodities in bulk)* from LA, IL, NC, SC, WV, KY, MO to facilities of Wal-Mart Stores in AR for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR. Send protests to: DS John V. Barry, 600 Fed Bldg, 911 Walnut, Kansas City, MO 64106.

MC 124333 (Sub-25TA), filed February 15, 1979. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington, Bldg., Washington, DC 20005. Contract carrier, irregular routes, *Fuel oil*, in bulk, in tank vehicles, from Philadelphia, PA to Marshallton, DE, 180

days. Under contract with the Atlantic Richfield Co. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Atlantic Richfield Co., Crown Point Rd, P.O.B. 104A, Thorofare, NJ 08086. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 124333 (Sub-26TA), filed February 15, 1979. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. Contract carrier, irregular routes, *Petroleum and petroleum products,* in bulk, in tank vehicles, from Paulsboro, NJ to Dover, DE, under contract with The City of Dover, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): City of Dover, Delaware, Dover, DE 19901. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 125813 (Sub-18TA), filed February 22, 1979. Applicant: CRESSLER TRUCKING, INC., 153 West Orange Street, Shippensburg, PA 17257. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW, Washington, DC 20004. (1) *Rock crushers, rock crusher parts, accessories and tools for rock crushers, and wooden patterns for rock crushers,* from Carlisle, PA to points in MN and WI, and (2) *scrap steel, wooden patterns, rock crusher parts, and used, damaged, or defective rock crushers,* from points in MI, WI and MN to Carlisle, PA, for 180 days. Supporting Shipper: The Frog Switch & Manufacturing Co., P.O. Box 70, Carlisle, PA 17103. Send Protests to: Charles F. Myers II, DS, Interstate Commerce Commission, 278 Federal Bldg., 228 Walnut Street, P.O. Box 869, Harrisburg, PA. 17108.

MC 125813 (Sub-19TA), filed February 15, 1979. Applicant: CRESSLER TRUCKING, INC., 153 West Orange Street, Shippensburg, PA, 17257. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW, Washington, DC 20004. *Foundry supplies and ferrus alloys,* from Alloy, WV, Ashtabula, Riverview and Cleveland, OH, Sheffield, AL, Milwaukee, WI and Philadelphia, PA, to points in CT, DE, MD, MA, NJ, NY, PA, and OH, for 180 days, an underlying ETA seeks 90 days authority. Supporting Shipper(s): Pennsylvania Foundry Supply and Sand Company, 6801 State Road, Bldg. "B" Philadelphia, PA 19135. Send Protests to: Charles F. Myers II, District Supervisor Interstate Commerce Commission, P.O. Box 869 Federal Square Station, Harrisburg, PA, 17108.

MC 126473 (Sub-36TA), filed February 15, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, (except hides and commodities in bulk),* from the facilities of Geo. A. Hormel & Co., at Ft. Dodge, IA to all points in LA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Geo. A. Hormel & Company, P.O. Box 800, Austin, MN 55912. Send Protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 126622 (Sub-7TA), filed February 14, 1979. Applicant: AUDET & MEGANTIC TRANSPORT LTEE., P.O. Box 1330, Lac Meganric, Que. Representative: Harold Pachios, 443 Congress St., Portland, ME 04101. Contract Carrier; Irregular routes; *Lumber,* from ports of entry on the U.S.-Canada International boundary Line at or near Jackman and Coburn Gore, ME, to points in ME, NH, VT, MA, RI, CT, NY, and NJ restricted to the transportation of traffic originating at Woburn, QUE under contacts with J. A. Fontaine & Fils, Inc., and Henri-Georges d/b/a/ Grondin & Fils, Ltee, of Woburn, QUE for 180 days, underlying ETA seeks 90 days authority. Send protests to Ross J. Seymour, DS, ICC Rm. 3, t Loudon Rd., Concord NH 03301.

MC 127042 (Sub-244TA), filed February 14, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and except commodities in bulk),* (1) from the facilities of Wilson Foods Corporation at Albert Lea, MN, and Cherokee, IA to points in CA, OR, UT, and WA; and (2) from the facilities of Wilson Foods Corporation at Des Moines, IA to points in CA, for 180 days. an underlying ETA seeks 90 days authority. Supporting Shipper(s): A. N. Brent, Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 127042 (Sub-245TA), filed February 13, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles,* from Storm Lake and Cherokee, IA to points in CA, CO, ID, KS, MN, MO, NE, SD, WA, and WI, for 180 days. Supporting Shipper(s): W.L. Fidler, Hygrade Food Products, Inc., P.O. Box 4771, Detroit, MI 48219. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 127902 (Sub-8TA), filed February 14, 1979. Applicant: DIETZ MOTOR LINES, INC., PO Box 1427, Hickory, NC 28601. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th St., NW, Washington DC 20004. *Sugar in bags and packages* from Mathews, LA, to points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The South Coast Corporation, P.O. Box 8036, Houma, LA 70361. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd, Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 134323 (Sub-107TA), filed February 27, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, 521 S 14th Street, Lincoln, NE 68501. *Contract carrier:* irregular routes, *Chemicals* (except in bulk) from the facilities of Union Carbide Corporation at or near Elkton, MD; to Omaha, NE; Riverdale, IA; Columbus, OH; Memphis, TN; Fresno, CA; Pasco, WA; Phoenix, AZ; and Lubbock, TX, for 180 days. Supporting Shipper(s): Union Carbide Corporation, 270 Park Avenue, New York, NY 10017. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F–13206 Federal Building, Amarillo, TX 79101.

MC 135953 (Sub-4TA), filed February 26, 1979. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Animal feed, feed ingredients, additives, materials and supplies used in the manufacture of animal feed* (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at or near Los Angeles, CA, Ogden, UT, Hutchinson, KS, Terre Haute and Indianapolis, IN,

and Columbus, OH, to points in the United States, (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon, CA 90058. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 135982 (Sub-24TA), filed February 15, 1979. Applicant: S. L. HARRIS d.b.a. PBI, P.O. Box 7130, Longview, TX 75602. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Fiberboard, paper, paperboard or pulp boxes, KDF other than corrugated,* from facilities of the Potlatch Corporation in Jefferson, LA to points in TX for 180 days. Underlying ETA filed. Supporting Shipper(s): The Potlatch Corporation, 900 Dakin, Jefferson, LA 70121. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 136343 (Sub-158TA), filed February 22, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Limestone,* from Texas, MD, to the facilities of Prismo Universal, Inc., at or near Pennsdale, PA, for 180 days, an underlying ETA seeks 90 days authority. SUPPORTING WITNESS: HARRY T. CAMPBELL SONS' Company, Campbell Grove Division, The Flintkote Company, 11350 McCormick Road, Hunt Valley, MD 21031. Send protests to Charles F. Myers, District Supervisor, Interstate Commerce Commission, 278 Federal Building, 228 Walnut Street, Harrisburg, PA 17108

MC 138553 (Sub-5TA), filed February 14, 1979. Applicant: M & N GRAIN COMPANY, Nevada, MO 64772. Representative: Donald J. Quinn, Suite 900–1012 Baltinmore, Kansas City, MO 64105. *Hides and pelts,* from Chicago, Hampshire, Mason City, & Rockford, IL; Evansville, Ft. Wayne, Indianapolis, IN; Cedar Rapids, Dennison, Spencer, Tama, IA; Solomon, Wichita; KS, Louisville, KY; Detroit, MI; Minneapolis, St. Cloud, St. Paul, MN; Meridian, Tupelo, MS; Joplin, Kansas City, Rockport, Springfield, MO; Chadron, Dakota City, Gibbon, McCook, Omaha, NE; Cincinnati, Cleveland, Columbus, Toledo, OH; Rapid City, SD; Memphis, TN; Chippewa Falls, Green Bay, Milwaukee, WI, to Laredo, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Frank J. Schwab Assoc., Inc., New York City, NY 10022. A. J. Hollander & Co., Inc., New York City, NY 10004. Send protests to: DS John V. Barry, I.C.C., 600 Fed. Bldg., 911 Walnut Kansas City, MO 64106

MC 138882 (Sub-226TA), filed February 23, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Iron and steel articles,* from the facilities of Inland Steel Company at East Chicago, IN to points in IA, KY and MO, for 180 days. Supporting Shipper(s): Inland Steel Company, 30 W. Monroe, Chicago, IL 60603. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 139193 (Sub-96TA), filed March 1, 1979. Applicant: ROBERTS & OAKE, INC., Suite 820, 4240 Blue Ridge Blvd., Kansas City, MO 64123. Representative: Mr. Jacob P. Billig, Suite 300, 2033 K St. NW., Washington, DC 20006. Contract, irregular *Fresh meats,* from East St. Louis, IL to AL for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): John Morrell & Co., Chicago, IL. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut, Kansas City, MO

MC 139663 (Sub-5TA), filed February 27, 1979. Applicant: HASKINS AND SON, INC., 815 Max Avenue, Lansing, MI 48915. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Lime,* in bulk, from Woodville, OH to the facilities of Dow Chemical Company at Midland, MI, for 180 days, and underlying ETA seeks 90 days authority. Supporting Shippers(s): Dow Chemical, U.S.A. 47 Building, Midland, MI 48640. Send protests to C. R. Flemming, D/S I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 141443 (Sub-8TA), filed March 1, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Used glass containers,* from Bellevue, WA, to Richmond and Norwalk, CA, Denver, CO, and Garland, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Safeway Stores, Incorporated, 5725 E. 14th Street, Oakland, CA 94660. Send protest to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 143032 (Sub-11TA), filed February 14, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 56107. *Roofing granules and crushed stone,* in bulk, from the facilities of 3M Corporation at Wausau, WI to the facilities of the Certain-Teed Corporation located at Shakopee, MN, Chicago Heights, IL and Avery, OH, for 180 days, an underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Certain-Teed Corporation, Manager, Transportation Operations, P.O. Box 860, Valley Forge, PA, 19481. Send Protests to: Delores A. Poe, TA. ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 143062 (Sub-1TA), filed February 1, 1979. Applicant: ALLEN LEE d.b.a. A & L TRANSPORT, 11722 S. Halsted St., Chicago, IL 60628. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Contract carrier;* irregular routes: *Printed matter, materials and supplies used in the manufacture of printed matter* (except commodities in bulk), from Warsaw and Crawfordsville, IN; Chicago, Mattoon and Dwight, IL; Glasgow, KY and Gallatin, TN to pts in CA, NV, UT, AZ, CO, NM, and TX for 180 days. Supporting Shipper(s): R. R. Donnelley & Sons Co., 2223 King Dr., Chicago, IL 60616. Send protests to: TA Annie Booker, 219 S. Dearborn St. Rm. 1386, Chicago, IL 60604.

MC 144473 (Sub-6TA), filed February 15, 1979. Applicant: DORVAL CORP., 1201 Corbin St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NH 07934. Contract; irregular. *Meats, meat products, meat by-products,* and articles distributed by meat packing houses as described in Sections A and C of Appendix 1 to the Report in Descriptions of Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in the Commercial Zones of New York, NY, Philadelphia, PA and Wilmington, DE, to points in the states of CA, IL, MN, GA, IN, NC, OH, IA, FL, PA, SC, TN, TX, VA, WV, MI, NE, LA, KS, KY, MO, OR, WI, and AL. Under a continuing contract or contracts with United Beef Packers, for 180 days, an underlying ETA seeks 90 days authority. Supporting Shipper(s): United Beef Packers, 1630 NW 70th Avenue, Miami, FL. Send protests to: Robert E. Johnston, DS, ICC, 9 Clinton St., Room 618, Newark, NJ 07102.

MC 144693 (Sub-1TA), filed March 1, 1979. Applicant: GLENN's TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Harry Ross, 58 S. Main St., Winchester, KY 40391. *Foodstuffs, including candy, breakfast bars and snack food items (except commodities in bulk)* from facilities of Sunmark, Inc., at or near St. Joseph, MO and/or Itasca, IL to points in AZ, NM, CO, UT, WA, OR, CA and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sunmark, Inc., 10795 Watson Rd., St. Louis, MO 63127. Send protests to: P. E. Binder, OC, Rm. 1465, ICC, 210 N. 12th St., St. Louis, MO 63101.

MC 144813 (Sub-2TA), filed February 14, 1979. Applicant: HUNT TEAL TRUCKING, INC., 3051 Northwest 129th Street, Miami, FL 33054. Representative: Glen Teal (same address as applicant). *Pickles* and *pickle products, sauerkraut, relish* and *vegetables packed in brine to form pickles and relish* transported in vehicles equipped with mechanical refrigeration (except in tank vehicles) from Chicago, IL to points in NC, SC, GA, and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Schwartz Pickle Co., 160 No. Loomis, Chicago, IL 60607. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 145152 (Sub-41TA), filed February 22, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Electric lamps, lighting fixtures, Christmas tree lamp outfits, electric cord sets, dry cell batteries and portable battery chargers and lamp ballasts;* and (2) *materials, equipment and supplies* used in the manufacture of and commodities named in (1) above, from Ravenna, OH to Los Angeles and Oakland, CA; Denver, CO; Portland, OR; Dallas and Houston, TX; Salt Lake City, UT; and Seattle, WA, restricted to the transportation of traffic originating at the facilities of General Electric Company at or near Ravenna, OH, for 180 days. Supporting Shipper(s): General Electric Company, Nela Park, Noble Road, Cleveland, OH 44112. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145383 (Sub-2TA), filed February 27, 1979. Applicant: James Renaldo and Gay Rose Renaldo, a partnership, d.b.a. KAI MOTOR FREIGHT, I–295 and Harmony Road, Gibbstown, NJ 08207. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Cleaning, washing and polishing soaps and compounds, varnishes, rust preventatives, oils and greases* (except in bulk), and, on return, *materials, equipment, and supplies* used in the manufacture, sale and distribution thereof (except in bulk), (1) from Avenel, NJ to points in PA, Cleveland and Cincinnati, OH, Detroit, MI, and Joliet, IL, and (2) from Joliet, IL to points in GA, FL, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Economics Laboratory, Inc., 255 Blair Road, Avenel, NJ 07001. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 145402 (Sub-4TA), filed February 14, 1979. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 566, Wausau, WI 54401. Representative: Richard Westley, 4506 Regent Street, suite 100, Madison, WI 53705. Common carrier; regular routes; *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Milwaukee, WI and Grand Rapids, MI, serving the intermediate points of Kalamazoo, MI, and serving all points in the respective commercial zones of each representative point: From Milwaukee over Interstate Hwy. 94 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Grand Rapids, and return over the same route, for 180 days. NOTE: Applicant seeks permission to interline at Milwaukee, WI and Grand Rapids and Kalamazoo, MI. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 17 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 145802 (Sub-2TA), filed February 14, 1979. Applicant: Ronald E. Reed d.b.a. TRIPLE R TRUCKING, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities fo Hygrade Food Products Corporation at or near Storm Lake and Cherokee, IA, to points in OH and to Indianapolis and points within its commerical zone. Restricted to the transportation of traffic originating at the above named origins and destined to the above named destination states, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145952 (Sub-1TA), filed February 7, 1979. Applicant: R & E TRANSPORTATION CO., INC., 1614 English Knoll, Birmingham, AL 35235. Representative: Robert C. Thrasher (same address as applicant). Contract, irregular: *Pipe, valves, fittings and accessories therefor, including materials and supplies used in the manufacture of said commodities,* between the facility of Slocomb Plastic Pipe and Products Co., Inc. at Slocomb, AL, on the one hand, and on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NC, OH, PA, SC, TN, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Slocomb Plastic Pipe & Products, Inc., P.O. Drawer J, Slocomb, AL 36375. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145933 (Sub-TA), filed January 11, 1979. Applicant: ADOLPH DURON, d.b.a A. D. TRUCKING CONTRACTOR, 8237 McElroy Avenue, El Paso, TX 79907. Representative: D. A. Kirby, 3044 Fillmore Avenue, El Paso, TX 79930. *Contract carrier;* irregular route: *Manganese ore,* from Deming, NM to American Minerals, Inc., facilities at El Paso, TX and from American Minerals, Inc., Facilities at El Paso, TX to Anaconda Co. New Mexico Operation, Bluewater, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Minerals, Inc., 3666 Doniphan Drive, El Paso, TX 79927. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F–13206 Federal Building, Amarillo, TX 79101.

Mc 146052 (Sub-1TA), filed February 26, 1979. Applicant: QUESNEL BUS LINE LTD., 367 Chamberlain, Hawkesbury, Ontario Canada. Representative: William H. Shawn, 1730 M Street, NW., Washington, D.C. 20036. *Passengers and their baggage in round-trip charter operations beginning and ending at ports of entry on the*

International boundary line between the United States and Canada near Alexandria Bay, NY, and extending to points in Delaware, North Carolina, and Florida, for 180 days, underlying ETA seeks 90 days authority. Supporting Shipper(s): Voyages Maurice Rozon Travel, Inc., Maurice Rozon, President, Centre D'Achat Rozon Shopping Centre, 856 Aberdeen Street, Hawkesbury, Ontario, Canada K6A 2R4. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 S. Clinton St.—Rm. 1259, Syracuse, NY 13260.

MC 146103 (Sub-1TA), filed March 2, 1979. Applicant: BETTER ROADS CORP., 9825 Philadelphia Road, Baltimore, MD 21237. Representative: William J. Little, 10 East Baltimore Street Baltimore, MD 21202. Contract carrier; irregular routes; *Asphalt and asphalt products,* in bulk, in tank vehicles, from Baltimore, MD to points in Berkeley, Grant, Hardy, Jefferson, Hampshire, Mineral and Morgan Counties, WVA, under contract with Central Oil Asphalt Corporation, for 90 days. Supporting Shipper(s): Central oil Asphalt Corporation, 8 E. Long St., Columbus, OH 43215. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 146193 (Sub-2TA), filed February 14, 1979. Applicant: CAMPBELL GRAIN CORP., P.O. Box 94, Humeston, IA 50123. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Sewage treatment equipment and materials and supplies used in the manufacture of sewage treatment equipment,* from the facilities of Johnson Machine Works at Chariton, IA to points in SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Lakeside Equipment Corporation, 1022 East Devon Avenue, Bartlett, IL 60103. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146213 (Sub-2TA), filed February 20, 1979. Applicant: James P. Doyle, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. *(1) Milk and cream substitutes, milk and cocoa preparations, and pudding (except commodities in bulk) and (2) non-fat dry milk (except in bulk)* when moving in mixed loads with the commodities described in (1) above, from the facilities of Sanna Div. of Beatrice Foods Co. at or near Cameron, Eau Claire, Menomonie, Vesper and Wisconsin Rapids, WI to points in CA, CO, ID, MT, OR & WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sanna Div. of Beatrice Foods Co., 6501, Grand Teton Plaza, Madison, WI 53705. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 146222 (Sub-1 TA), filed February 2, 1979. Applicant: ILCO TRUCKING, INC., P.O. Box 57087, Birmingham, AL 35209. Representative: Alan E. Serby, 3390 Peachtree Road, Northeast, Atlanta, GA 30326. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, in the transportation of (1) *Materials, equipment* and *supplies,* used in the smelting and refining of non-ferrous metal (except commodities in bulk, in tank vehicles, and except those commodities which because of size or weight require the use of special equipment) from points in the United States on and east of U.S. Highway 85 to the facilities of Interstate Lead Company at Leeds, AL and Savanna, IL; (2) *nonferrous metals,* (except commodities in bulk, in tank vehicles, and except those commodities which because of size or weight require the use of special equipment) from the facilities of Interstate Lead Company at Leeds, AL and Savanna, IL to points in the US on or east of US Hwy 85, under a continuing contract or contracts with Interstate Lead Company, Leeds, AL, for a period of 180 days, underlying ETA seeks 90 days authority. Supporting shipper: Interstate Lead Company, Leeds, AL.)

MC 146222 (Sub-2TA), Filed March 2, 1979. Applicant: ILCO TRUCKING, INC., P.O. Box 57087, Birmingham, AL 35209. Representative: Alan E. Serby, 3390 Peachtree Road, Northeast, Fifth floor, Lenox Towers South, Atlanta, GA 30326. Contract, irregular: *Pipe fittings hydrants, valves, iron and steel products and parts and accessories for aforementioned items* (except commodities in bulk) from the facilities of American Cast Iron Pipe Company located at or near Birmingham, AL to points in the U.S. in or east of the western boundaries of MT, WY, CO and NM, under a continuing contract or contracts with American Cast Iron Pipe Company, for a period of 180 days. Supporting Shipper(s): American Cast Iron Pipe Co., P.O. Box 2727, Birmingham, AL 35202. Send Protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 146292 (Sub-1TA), Filed February 16, 1979. Applicant: LIBERTY ICE & FUEL CO., 1183 Liberty Street, Springfield, MA 01104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. *Gasoline, distillates and fuel oil,* in bulk, in tank vehicles, from Springfiled, MA to points in Hartford County, CT, for 180 days. An ETA seeks 90 days authority. Supporting Shipper(s): Mobil Oil Corporation, 150 East 42nd Street, New York, NY 10017. Send Protests to: David M. Miller, DS ICC, 436 Dwight Street, Springfield, MA 01103.

MC 146323 (Sub-1TA), Filed February 22, 1979. Applicant: William J. Wimett and Bob Wimett d.b.a. WIMETT & SON TRUCKING 3325 Ravenwood Lane, Missoula, Mt 59801. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Barite,* in bulk, from the facilities of Montana Barite Co., Inc., located at or near Missoula, MT to points in UT and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Montana Barite Co., Inc., P.O. Box 3296, Missoula, MT 59806. Send Protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146343 (Sub-1TA), Filed February 2, 1979. Applicant: SOUTHERN EXPRESS CORP., 308 South Ocean Boulevard, Pompano, FL 33062. Representative: Bernard A. Jackvony, 4901 North Federal Hwy, suite 480, Fort Lauderdale, FL 33308. *Contract carrier*— Irregular route: (1) *Garden hose, plastic pellets, plasticizers, chemicals* and *scrap plastic for recycling* (except in bulk) from Brownsville, TN to points in the states of AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, MT, NE, NM, NV, NC, ND, OH, OK, OR, RI, SD, SC, TX, UT, WA, WI and WY; and (2) *materials, equipment* and *supplies* (except in bulk) used in the manufacture and distribution of the commodities described in (1) above from points in the destination states set forth in (1) above to Brownsville, TN, under a transportation service to be performed under a continuing contract or contracts with Teknor Apex Company, for 180 days. Supporting Shipper(s): Teknor Apex Company, 505 Central Avenue, Pawtucket, RI 02862. Send Protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, BOp, Monterey Building, suite 101, 8410 NW., 53rd Terrace, Miami, FL 33166.

MC 46372 (Sub–TA), filed January 30, 1979. Applicant: DON'S TRUCKING CO., INC., 4825 Southmoor Road, Richmond, VA 23234. Representative: Richard J. Lee, suite 1222, 700 East Main Street, Richmond, VA 23219. *Charcoal, charcoal briquets* (except in bulk) and materials, supplies and equipment used in the manufacture and distribution thereof, between the plantsite of Imperail Briquet Corporation, at or near Kenbridge, VA, on the one hand, and, on the other, points in NC, SC, VA, MD, PA, NY, DE, NJ, WV and DC, for 180 days. Supporting Shipper(s): Imperial Briquet Corporation, P.O. Box 403, Kenbridge, VA 23944. Send protests to: Paul D. Collins, DS, ICC, Rm 10–502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 146373 (Sub-TA), filed February 12, 1979. Applicant: LUBECK HOLDINGS LTD., 219–A, 31st Street North, Lethbridge, AB, Canada. Representative: Ray Fuhlendorf, 1203 12th Street C North, Lethbridge, AB, Canada. *Contract Carrier: Irregular routes; Soybean meal* from Conrad, MT to the U.S.–Canada International Boundary line, restricted to foreign commerce, for 180 days. Supporting Shipper(s): Lionel Jones, VP, Northland Feed & Farm Supplies, Ltd., Box 248, Grande Prairie, AB, Canada. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146402 (Sub-1TA), filed February 21, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. (1) *Food products, food concessions, food concession materials, equipment, supplies, displays and machines* (except commodities in bulk, in tank vehicles), and, (2) *popcorn and peanuts when moving in mixed loads with the commodities in (1) above,* between Ridgeway, IL and North Bend, NE on the one hand, and, on the other, points in the U.S. in and east of KS, NE, ND, OK, SD and TX. Restricted to the transportation of shipments originating at or destined to the facilities of Blevins Popcorn Company, Inc. at Ridgeway, IL or North Bend, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Blevins Popcorn Company, Inc., 813 Ridge Lake Blvd., Memphis, TN 38117. 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.

H. G. Homme, Jr.,
Secretary.

[Notice 43]
March 29, 1979.

[FR Doc. 79–10200 Filed 4–2–79 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness an 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.

NOTE: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2392 (Sub–120TA), filed February 5, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, Omaha, NE 68127. Representative: Keith D. Wheeler (same address as above). *Fluid lard and grease,* from the facilities of Farmland Foods at or near Iowa Falls and Denison, IA to points in MN, SD, OK, and Co, for 180 days. Supporting Shipper(s): Dean D. Wilson, Farmland Foods, Inc., P.O. Box 403, Industrial Drive, Denison, IA 51442. Send protests to: Carroll Russell, ICC, Suite 620,110 No. 14th St., Omaha, NE 68102.

MC 2392 (Sub–121TA) filed February 8, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, Omaha, NE 68127. Representative: Keith D. Wheeler (same address as above). *Tallow, in bulk in tank vehicles,* from the facilities of Iowa Beef Processors, Inc., at West Point and Dakota City, NE, Luverne, MN, and Ft. Dodge, IA to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Glen C. Echelbarger, Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St, Omaha, NE 68102.

MC 14252 (Sub-47TA), filed February 14, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, OH 43227. Common-Regular. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* serving West Lebanon, IN as an off-route points in connection with carriers presently authorized regular route operations for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dyna Fab Corp., South High Street, West Lebanon, IN. Tru-Flex Metal Hose Corp., Highway 63 and 28, West Lebanon, IN 47991. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 14252 (Sub-48TA), filed February 14, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, OH 43227. Common-Regular. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* serving Albion and West Salem, IL as an off-route points in connection with carriers presently authorized regular route operations for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Weston Paper & Manufacturing Company, P.O. Box 539,

Terre Haute, IN 47808. Champion Laboratories, Inc., Albion, IL 62806. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 14252 (Sub-49TA), filed February 22, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Common-Regular. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* (1) between Charleston, WV and St. Louis, MO over Interstate Hwy I–64, (2) between Cincinnati, OH and Lexington, KY over Interstate Hwy I–75, (3) between Cincinnati, OH and Louisville KY over Interstate Hwy I–71, (4) between Indianapolis, IN and Louisville, KY over Interstate Hwy I–65, (5) between Terre Haute, IN and Evansville, IN over U.S. Hwy 41 serving all intermediate points on the five routes above specified and the off-route points of Culloden and Milton, WV; Olive Hill and Owingsville, KY; Jasper, Tell City, Columbus, Franklin, Bruceville, and Seymour, IN and the Minnie Ha-Ha Mine facilities near Dugger, IN: Sparta and Carmi, IL, and all off-route points in the following counties: Clinton, Jefferson, St. Clair, and Washington Counties, IL; Clark, Floyd, Gibson, Harrison, Posey, Spencer, Vanderburgh, and Warrick Counties, IN; Anderson, Bourbon, Boyle, Bullitt, Clark, Daviess, Fayette, Franklin, Garrard, Harrison, Henderson, Jefferson, Jessamine, Madison, Mercer, Montgomery, Oldham, Scott, Shelby, Spencer, and Woodford Counties, KY, for 180 days. Supporting Shipper(s): There are 151 supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 39073 (Sub-8TA), filed February 1, 1979. Applicant: BUDRECK TRUCK LINES, INC., 9330 South Constance Avenue, Chicago, IL 60617. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. (1) *Fruit juices,* from the facility of Home Jucie Company at Melrose Park, IL to points in OH, IN and Louisville, KY and (2) *glass or plastic bottles* from Dayton, OH to the facility of Home Juice Company at Melrose Park, IL, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Home Juice Company, 15th and Bloomingdale Avenue, Melrose Park, IL 60160. Sent protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 69492 (Sub-70TA), filed February 28, 1979. Applicant: Henry Edwards d.b.a. HENRY EDWARDS TRUCKING CO., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Buulding, Nashville, TN 37219. *Malt beverages, related advertising materials, packing materials, containers and pallets, equipment and supplies used in the manufacture of malt beverages,* between Memphis, TN and its commerical zone, on the one hand, and, on the other, Paducah, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wallace Distributing Company, Inc., 622 Jackson Street, Paducah, KY 42001. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 82492 (Sub-225TA), filed February 21, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle, 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. *Foodstuffs, (except commodities in bulk),* from Minneapolis and New Hope MN to points in MI, for 180 days. Supporting Shipper(s): The Creamette Company, 7300 36th Avenue, No., New Hope, MN 55427. An underlying ETA seeks 90 days authority. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 86913 (Sub-42TA), filed February 15, 1979. Applicant: EASTERN MOTOR LINES, INC., P.O. Box 649, Warrenton, NC 27589. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Penn Avenue and 13th Street, NW., Washington, DC 20004. *Iron and steel and iron and steel articles* from the plantsites of Wheeling-Pittsburgh Steel Corporation at Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH; Allenport and Monessen, PA; Beech Bottom, Benwood, Follansbee, and Wheeling, WV to points in NJ, NY, and VA, for 180 days. An underlying ETA has been filed seeking 90 days authority. Supporting Shipper(s): Wheeling-Pittsburgh Steel Corporation, P.O. Box 118, Pittsburgh, PA 15230. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 98852 (Sub-5TA), filed February 26, 1979. Applicant: FARRAGUT BAGGAGE & TRANSFER CO., INC., 945 East 17th Street, Tucson, AZ 85719. Representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, AZ 85014. *Drywall, roofing materials and bagged cement,* from El Paso, TX to Tucson and Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): U.S. Home Corporation, 7302 East 22nd Street, Tucson, AZ 85710. Send protests to: Thomas Klobas, Acting District Supervisor, 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 107103 (Sub-9TA), filed February 16, 1979. Applicant: ROBINSON CARTAGE, CO., 2712 Chicago Drive, S.W., Grand Rapids, MI 49509 Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. *Refractories and refreactory products,* form the facilities of North American Refractories Company at or near White Cloud, MI to the Port of Entry between the United States and Canada at Sault Ste. Marie, MI, for 180 days. Applicant was granted ETA for 90 days. Supporting Shipper(s): North American Refractories Company, Hanna Building, 9th Floor, Cleveland, OH 44115. Send Protests to: C. R. Flemming, D/S, ICC, 225 Federal Building Lansing, MI 48933. An underlying ETA seeks 90 days authority.

MC 107103 (Sub-10TA), filed February 23, 1979. Applicant: ROBINSON CARTAGE, CO., 2712 Chicago Drive, S.W., Grand Rapids, MI 49509 Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. *Iron and steel, iron and steel articles and materials, equipment and supplies* used or useful in the manufacture and distribution of the afore named commodities, for 180 days. Supporting Shipper(s): The Algoma Steel Corporation, Limited, Sault Ste. Marie, Ontario. P6A 5P2. Send Protests to: C. R. Flemming, D/S, ICC, 225 Federal Building Lansing, MI 48933.

MC 108382 (Sub-33TA), filed February 22, 1979. Applicant: SHORT FREIGHT LINES, INC., 459 S. River Road, Bay City, MI 48707. Representative: Richard L. Poirier, 459 S. River Road, Bay City, Mi 48707. *Paper and paper products and cellulose products and material equipment and supplies* used in the manufacture or distribution of paper and paper products and cellulose products,

between Cheboygan, MI on the one hand and on the other, WI, IL, and Fargo, ND, for 180 days. Supporting Shipper(s): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. An underlying ETA seeks 90 days authority. Send Protests to: C. R. Flemming, D/S, ICC, 225 Federal Building Lansing, MI 48933.

MC 108382 (Sub-34TA), filed February 28, 1979. Applicant: SHORT FREIGHT LINES, INC., 459 S. River Road, Bay City, MI 48707. Representative: Richard L. Poirier, 459 S. River Road, Bay City, MI 48707. *Paper and paper products, and materials, equipment and supplies* used in the manufacture or distribution of paper and paper products, between Oconto Falls and Green Bay, WI and points in MI, for 180 days. An underlying ETA seeks 90 days authority. Send Protests to: C. R. Flemming, D/S, ICC, 225 Federal Building Lansing, MI 48933.

MC 110563 (Sub-265TA), filed February 16, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: John L. Maurer (address same as applicant). *Liquors and malt beer,* from St. Louis, MO, and its commercial zone to points in AL, CT, DE, DC, FL, GA, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA & WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser Busch, Inc., 721 Pestalozzi St., St. Louis, MO 63118. Send protests to: P. J. Crawford, Transportation Consumer Specialist, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 114273 (Sub-549TA), filed February 15, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). *Canned and preserved foodstuffs,* from the facilities of Heinz USA, Div. of H. J. Heinz Co. at or near Muscatine, IA to the facilities of Heinz USA at Harrison, NJ; Toledo, OH; Mechanicsburg, PA; and Pittsburgh, PA. Restricted to traffic originating at the named facilities and destined to the named destination points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg, Des Moines, IA 50309.

MC 114632 (Sub-197TA), filed February 8, 1979. Applicant: APPLE LINES, INC., 212 S. W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Cheese, cheese products, synthetic cheeses, equipment, materials and supplies used in the manufacture of cheese* from points in WI and MN to the plant and storage facilities used by L. D. Schreiber Cheese Co. at Logan, UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): L. D. Schreiber Cheese Co., Inc., P.O. Box 610, Green Bay, WI 54305. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-198TA), filed February 8, 1979. Applicant: APPLE LINES, INC., 212 S. W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Zinc, zinc oxide, zinc dust, cadmium and materials used in the manufacture of zinc (except commodities in bulk),* from the facilities of St. Joe Zinc Co. at Josephtown, Beaver County, Potter Township, PA to all points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 115162 (Sub-457TA), filed February 7, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). (1) *Iron and steel articles* (except in bulk or tank vehicles), and (2) *Equipment, materials, and supplies used in the manufacture of iron and steel articles* (except in bulk or tank vehicles), from the facilities of United States Steel Corporation, at McKeesport, McKees Rock, Clairton, Duquesne, Johnstown, Vandergrift, Homestead, Dravosburg, and Fairless, PA, and Lorain, Cleveland, and Youngstown, OH, to points in AL, AR, FL, GA, LA, MS, SC, and TX, for 180 days. Supporting Shipper(s): United States Steel Corporation, 600 Grant Street, Room 568, Pittsburgh, PA 15230. Send Protests to: Mable E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-458TA), filed February 9, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). *Paper and paper products and woodpulp* (except commodities in bulk, in tank vehicles) between the facilities of Scott Paper Company located in the commercial zones of Mobile, AL; Philadelphia, PA; Marinette, WI; Oconto Falls, WI; Green Bay, WI; Fort Edward, NY; Albany, NY; and Brunswick, GA, for 180 days. Supporting Shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send Protests to: Mable E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616–2121 Building, Birmingham, AL 35203.

MC 115762 (Sub-14TA), filed February 8, 1979. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, KY 42240. Representative: William L. Willis, Attorney, 708 McClure Building, Frankfort, KY 40601. Milk Cartons and ice cream cartons, from Sikeston, MO, to Oklahma City, OK, and damaged or rejected shipments of milk cartons and ice cream cartons on return, for 180 days. Supporting Shipper(s): Guy Townley, Plant Manager, Townley's Dairy Company, P.O. Box 26148, Oklahoma City, OK 73126.Send Protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 117883 (Sub-240TA), filed February 16, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Thomas R. Stone (same as applicant). *Foodstuffs, except in bulk, in tank vehicles,* from Detroit, MI, and its commercial zone to all points in CT, DE, IL, IN, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Turri's Italian foods, Inc., Detroit, MI; Delsoy Products Corp., dba Whitehouse Products, Dearborn, MI; Haberstroh Farms, Inc., Mt. Clements, MI; Awrey Bakeries, Inc., Livonia, MI; and United States Cold Storage, Taylor, MI. Send Protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 119632 (Sub-85TA), filed February 21, 1979. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence, Director of Traffic (address same as applicant). *(a) Containers, container ends and closures, (b) commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers, and (c) material, equipment and supplies used in the manufacture and distribution of containers, container ends and closures,* between points in the United States in and east of MN, IA, MO, AR and LA. RESTRICTION: the above authority is restricted (1) against the transportation of commodities in bulk, in tank vehicles, and (2) to apply only on shipments

originated at or destined to a Brockway Glass Company, Inc. facility, for 180 days. Supporting shipper(s): Brockway Glass Company, Inc., McCullough Avenue, Brockway PA 15824. Send protests to: P. J. Crawford, Transportation Consumer Specialist, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 120582 (Sub-No. 6TA) (republication), filed December 18, 1978, published in the **Federal Register** issue of February 6, 1979, and republished this issue. Applicant: McMINNVILLE FREIGHT LINE, INC., P.O. Box 790, Morrision Road, McMinnville, TN 37110. Applicant's representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (with the usual exceptions), between McMinnville and also all points in Warren County, TN, as off-route points, on the one hand, and, on the other, Chattanooga, and that part of its commercial zone lying within the state of TN, for 180 days. Applicant intends to interline at Chattanooga, Manchester and McMinnville, TN. Supporting shipper(s): There are approximately (22) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Glenda Kuss Trans. Asst., ICC Suite A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203. The purpose of this republication is to reflect interlining.

MC 124813 (Sub-197TA), filed February 13, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles* from the facilities of Inland Steel Company at East Chicago, IN, to points in IL and IA, except points in IA within 35 miles of West Point, IA for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Inland Steel Company, 30 W. Monroe St., Chicago, IL 60603. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 126472 (Sub-22TA), filed February 22, 1979. Applicant: WILLCOXSON TRANSPORT, INC., R.R. No. 2, Kohoka, Missouri 63445. Representative: Kenneth F. Dudley, 611 Church Street, Ottumwa, Iowa 52501. *Dry Fertilizer and fertilizer materials*, from the Brunswick River Terminal at or near Brunswick, Missouri to points in IL and IA, for 180 days. Supporting shipper(s): Brunswick River Terminal, P.O. Box 235, Brunswick, MO 65236. Send protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 126893 (Sub-2TA), filed March 1, 1979. Applicant: BALTIMORE–WASHINGTON EXPRESS, INC., P.O. Box 4333, Baltimore, MD 21223. Representative: Charles E. Creager, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *General commodities on vehicles equipped with mechanical refrigeration (except Classes A and B explosives, commodities in bulk, and commodities requiring special equipment)*, between the facilities of Baltimore Shippers and Receivers Association, Inc., at or near Baltimore, MD on the one hand, and, on the other, Los Angeles and San Francisco, CA and their respective commerical zones; Portland, OR, including its commercial zone; Chicago, IL, including its commercial zone, and Seattle, WA, including its commercial zone, for 90 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Baltimore Shippers & Receivers Association, Inc., 3601 Benson Ave., Baltimore, MD 21227. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg. Baltimore, MD 21201.

MC 127042 (Sub-246TA), filed February 21, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98–Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). *Meats, meat products and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and except hides and except commodities in bulk, in tank vehicles*, from Ft. Morgan, CO to points in IL, IA, KS, MN, MO, NE, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Russell H. Wright, Morgan Colorado Beef, Inc., P.O. Box 487, Ft. Morgan, CO 80701. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 127602 (Sub-19TA), filed February 16, 1979. Applicant: DENVER–MIDWEST MOTOR FREIGHT, INC., 5555 East 58th Street, Commerce City, CO 80022. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sec. A and C of App. I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from (1) Denver, CO to points in AZ, CA and NV, (2) from Fort Morgan, CO to points in CA, (3) from Sterling, CO to points in CA, UT and NV, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Flavorland Industries, 5590 High Street, Denver, CO 80216. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 128273 (Sub-336TA), filed February 9, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Ft. Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Paper and paper products and products produced or distributed by manufacturers and converters of paper and paper products*, from facilities of Kimberly-Clark Corporation, Memphis,TN, to Fullerton, CA., for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Kimberly-Clark Corporation, 1414 W. Larsen Road, Neenah, WI 54956. Send protests to: M. E. Taylor, Dist. Supv., Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128313 (Sub-9TA), filed February 6, 1979. Applicant: TEMPO TRUCKING, INC., 2101 Kenskill Avenue, R.F.D. No. 5, Washington Court House, OH 43160. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Contract-irregular. *Meats, meat products, porkskins, and meat byproducts*, as described in Section A of Appendix I to the Report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except in bulk) from the facilities of Sugar Creek Packing Co., Inc. at or near Washington Court House and Dayton, OH, and Bloomington, IL to points in AZ, ME, NV, and NH, for 180 days. Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract or contracts with Sugar Creek Packing Co., Inc. of Washington Court House, OH. Supporting Shipper(s): Sugar Creek Packing Company, 2101 Kenskill, Washington Court House, OH 43160. Sent protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 129032 (Sub-74TA), filed February 20, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). *Fresh and frozen meat products,* (except hides and commodities in bulk, in tank vehicles), from the facilities of Packerland Packing Company at or near Green Bay, WI, to Shreveport, LA and the State of TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Packerland Packing Co., Inc., P.O. Box 1184, Green Bay, WI 54305. Sent protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129282 (Sub-40TA), filed February 20, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry, President (address same as applicant). *Paper and paper products and materials and supplies used in the manufacture and distribution thereof,* between the facilities of the Scott Paper Company at or near Mobile, AL and points in the States of AR, LA, MS, OK, and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Sent protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13012, Dallas, TX 75242.

MC 129282 (Sub-41TA), filed February 20, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry, (address same as applicant). *Sugar in packages,* from the facilities of South Coast Corp. at or near Mathews, LA to points in AR, OK, and TX, for 180 days. Underlying ETA for 90 days filed. Supporting Shipper(s): The South Coast Corporation, P.O. Box 8036, Houma, LA 70361. Sent protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13012, Dallas, TX 75242.

MC 129712 (Sub-17TA), filed February 23, 1979. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, Georgia 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Georgia 30326. Contract carrier; irregular routes; tractors (except truck tractors), from the plantsite of Ford Motor Company at Romeo, MI, to all points in CT, GA, NC, SC, TN, DE, IL, IN, IA, KY, ME, MD, MA, MN, MO, NH, NY, NJ, OH, PA, RI, VT, VA, WV, WI and DC, for 180 days. Restrictions: The operations authorized herein are restricted to the transportation of traffic (a) originating at the above-named origin point, and (b) destined to points in the named destination states, except that restriction (b) above shall not apply to traffic moving in foreign commerce. This service is to be performed under a continuing contract, or contracts, with Ford Motor Company. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ford Motor Company, Ford Tractor Operations, Troy, MI 48084. Send protests to: Sara K. Davis, Transportation Assistant, ICC, Room 300, 1252 West Peachtree Street, N.W., Atlanta, Georgia 30309.

MC 129712 (Sub-18TA), filed February 23, 1979. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, Georgia 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Georgia 30326. Contract carrier; irregular routes; (1) Buildings, metal, knocked down and components parts thereof; (2) meter enclosures; and (3) materials, equipment and supplies used in the installation maintenance and manufacture of commodities named in (1) above and (2) above, under a continuing contract with Parkline, Inc. between the facilities of Parkline, Inc. at Putnam County, WV and Creek County, OK, on the one hand, and, on the other all points in the U.S., except AK and HI, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Parkline, Inc., Winfield, WV 25213. Send protests to: Sara K. Davis, Transportation Assistant, ICC, Room 300, 1252 West Peachtree Street, N.W., Atlanta, Georgia 30309.

MC 134552 (Sub-7TA), filed February 26, 1979. Applicant: TRANSAMERICAN CARRIER CO., Route 1, Box 28, Winthrop, MN 55396. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Liquid fertilizer, (except anhydrous ammonia),* from East Dubuque, IL to points in IA, MN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): N-ReN Corporation, P.O. Box D. East Dubuque, IL 61025. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135873 (Sub-8TA), filed February 16, 1979. Applicant: KSS TRANSPORTATION CORPORATION, Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Elaine Conway, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. Contract carrier, irregular routes; such commodities as are dealt in by manufacturers and distributors of printed matter, paper, and paper products (except commodities in bulk), between Franklin, KY, on the one hand, and, on the other, points in the United States, except AK, HI, and KY, for 180 days. Supporting Shipper(s): Brown Printing, Inc., Highway 14 West, Waseca, MN 56093. Send protests to: Irwin Rosen, TS, ICC, 9 Clinton Street, Newark, NY 07102.

MC 136343 (Sub-159TA), filed February 14, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Green Fibre Mulch, in bags, from Hampton, VA to points in the US in and east of the states of MS, TN, KY, IL, WI, and MN, for 180 days. An underlying ETA seeks 90 days authority.Supporting Shipper(s): Hampton Roads Paper Recycling, 1 Newsome Place, Box 1435, Hampton, VA 23661. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 136782 (Sub-10TA), filed February 21, 1979. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Warren W. Wallin, Esq., Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Meats, meat products and by-products, and articles distributed by meatpackinghouses* as described in Appendix I to report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 766 (except commodities in bulk), (1) from Albany and the New York Commercial Zone, NY; Boston and Worcester, MA; Baltimore and Mount Airy, MD; Philadelphia, PA; New Haven, CT and Wilmington, DE, to points in IN, IL, MI, PA, OH, WV and WI (2) from Logansport, IN to Cleveland, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Port of Wilmington, P.O. Box 1191, Wilmington, DE 19899; Gurrentz International Corporation, 2020 Ardmore Blvd., Pittsburgh, PA 15221; A & W Foods, Inc., 4900 Crayton Avenue, Cleveland, OH 44104; A. J. Cunningham Packing Corp., 1776 Heritage Drive, Quincy, MA 02171. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 136832 (Sub-6TA), filed February 27, 1979. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box "W", Filer,

Idaho 83328. Representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Contract carrier; irregular routes; (1) Fibreboard boxes and fibreboard lining materials and (2) pallets and materials and supplies used in the manufacture of pallets and paper products used in the manufacture of the commodities named in (1), (1) from the facilities of Longview Fibre Co., at or near Twin Falls, ID to points in MT, and (2) from points in MT to the facilities of Longview Fibre Co. at or near Twin Falls, ID, in contract carriage, over irregular routes, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Longview Fibre Co., P.O. Box 387, Twin Falls, ID 83301. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 139482 (Sub-92TA), filed February 15, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Clothing, cosmetics, jewelry and store supplies* from the facilities used by Commonwealth Trading, Inc. at or near Stoughton, MA and points in its commercial zone to Chicago, IL and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Commonwealth Trading, Inc., 100 Campanelli Parkway, Stoughton, MA. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 139482 (Sub-93TA), filed February 16, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Agricultural chemicals* from Muscatine, IA to points in MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 139663 (Sub-4TA), filed February 20, 1979. Applicant: HASKINS & SON, INC., 815 Max Avenue, Lansing, MI 48915. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. *Sand, in bulk,* from LaSalle County, IL and Berrien County, MI to AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NB, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI, for 180 days. Supporting Shipper(s): Manley Bros., P.O. Box 538, Chesterton, IN 46304. An underlying ETA seeks 90 days authority. Sent protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 139743 (Sub-6TA), filed February 20, 1979. Applicant: GEORGIA CARPET EXPRESS, INC., P.O. Box 1680, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Carpets, carpeting and carpet samples* from the facilities of Galaxy Carpet Mills, Inc. at or near Chatsworth, GA, and the facilities of E. T. Barwick Industries, Inc., at or near Lafayette, GA, to points in AR, NV, and NM, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Galaxy Carpet Mills, Inc., Chatsworth, GA 30705. Sent protests to: Sara K. Davis, Transportation Assistant, ICC, Room 300, 1252 West Peachtree, N.W., Atlanta, Georgia 30309.

MC 139902 (Sub-5TA), filed February 20, 1979. Applicant: MOWRY TRUCKING, INC., Box 125, Cambridge, NE 69022. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. (1) *Livestock handling equipment, livestock feeding equipment, and insecticide applicators and sprayers,* from the facilities of Valley Sales Co., at or near Lexington, NE, to points in the United States (except AK, HI, and NE); (2) *Lumber,* from points in CA, CO, ID, MT, OR, WA and WY to the facilities of Valley Sales Co., at or near Lexington, NE; (3) *Iron and steel articles,* from Chicago, IL, Clinton, IA, St. Louis, MO, and Green Bay, WI; and points in their respective commercial zones, to the facilities of Valley Sales Co., at or near Lexington, NE, for 180 days. Restriction: Parts (1), (2) and (3) above are restricted to the transportation of shipments under a continuing contract or contracts with Valley Sales Co. of Lexington, NE. An underlying ETA has been filed seeking 90 days authority. Supporting Shipper(s): Richard F. Wiessner, President, Valley Sales Co., P.O. Box 495, Lexington, NE 68850. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

MC 139973 (Sub-61TA), filed February 22, 1979. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Missouri 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. *Vacuum cleaners, floor polishers, and parts for vacuum cleaners and parts for vacuum cleaners and floor polishers,* from Old Greenwich, CT and Bristol, VA, to Reno, NV, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Electrolux, Division of Consolidated Foods, Co., 2777 Summer Street, Stamford, CT 06905.Send Protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64119.

MC 139973 (Sub-66TA), filed February 22, 1979. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Missouri 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. *Fresh meats and packinghouse products,* from the facilities of Wilson Foods Corporation at Marshall, MO, to point in CT, DE, DC, ME, MD, MA, NY, NH, NJ, PA, RI, VT and VA, for 180 days.Supporting Shipper(s): Wilson Foods Corporation, 4545 Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Send Protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 140612 (Sub-59TA), filed February 6, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour, (same as applicant). *Such commodities as are dealt in or used by retail stores (except commodities in bulk in tank vehicles), from Los Angeles, CA and its commercial zone to points in ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, OH, KY, TN, MS, AL, GA and MI, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Industrial Industries International, Inc., 19411 Londelius Street, Northridge, CA 91324. Send Protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 140852 (Sub-5TA), filed February 21, 1979. Applicant: C.W. MITCHELL, INC., d/b/a MITCHELL TRANSPORT, 4401 N. Westshore Blvd., Tampa, FL 33684. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. *Meat, meat products* and *meat by-products* and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) for Huron, SD to AL, FL, GA, MS, NC, SC, and TN for 180 days. Supporting Shipper(s): Armour Fresh Meat Company, 11 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077.

Send Protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission–BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 141252 (Sub-5TA), filed February 12, 1979. Applicant: PAN WESTERN CORP., 4105 Las Lomas Avenue, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Gypsum board paper* from Stockton, CA to Clark County, NV for 180 days. Underlying ETA was filed. Supporting Shipper(s): Pacific Coast Building Products, P.O. Box 160488, Sacramento, CA 96816. Send Protests to: W. J. Huetig, DS, I.C.C., 203 Federal Bldg., Carson City, NV 89701.

MC 141913 (Sub-3TA), filed February 26, 1979. Applicant: V. N. TRANSPORTATION CO., INC., 37 Doctors' Park, Cape Girardeau, MO 63701. Representative: Richard D. Kinder, P.O. Box 643, Cape Girardeau, MO 63701. *All products used in the operation and maintenance of a hospital* from St. Louis, MO to all points in TN on and west of the junction of U.S. Hwy. 79 and the KY boundary line, then along U.S. Hwy. 79 to its intersection with TN State Hwy. 13, then along TN State Hwy. 13 to the AL boundary line, and return; from Kanas City, MO to Cherokee, Atchison, Wyandotte, Leavenworth, Jefferson, Douglas, Johnson, Franklin, Lyon, Bourbon, Crawford, Shawnee, and Labette Counties, KS, and return; from Peoria, IL to St. Louis City, St. Lousi, St. Charles, Jefferson and Cape Girardeau Counties, MO, and return, and from Coles County, IL to St. Louis and St. Louis County, MO, and return, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mid-America Shared Services, Inc., 37 Doctors' Park, Cape Girardeau, MO 63701. Send Protests to: P. E. Binder, ADS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 142252 (Sub-1TA), filed February 9, 1979. Applicant: C. WHITE & SON, INC., Evans Road, Rocky Hill, Connecticut 06067. Representative: Gerald A. Joseloff, 80 State Street, Hartford, Connecticut 06103. *Petroleum and petroleum products* (a) from East Harford, CT to points in MA, on and west of MA Highway 12; and (b) from Springfield, MA to CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): F. L. Roberts & Co., Inc., 93 West Broad Street, Springfield, MA 01105. Send Protests to: J. D. Perry, Jr., DS, ICC, 135 High Street, Hartford, CT 06103.

MC 142463 (Sub-4TA), filed February 16, 1979. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha St., P.O. Box 567, Sioux City, IA 51102. Representative: Stewart A. Huff, 314 Security Bank Building, Sioux City, IA 51101. *Hides* from the plantsites and storage facilities of Great Plains Processing, a joint venture, and Mid-America Tanning Co., Inc., an Iowa corporation, both facilities located within the commercial zone of Sioux City, IA to points in Williamsport, MD; Brockton, Davenport, Danvers, North Adams, Taunton, Peadbody, Salem, West Lynn, Woburn, Westfield and Boston, MA; St. Paul and South St. Paul, MN; Concord, Dover, Lebanon, Manchester, Milton Mills, Nashua, Penacook, Pittsfield and Winchester, NH; Newark, NJ; Gloversville and Gowanda, NY; Curwensville, Mercerbergy, Reading, Westfield and Westover, PA; and Kenosha, Milwaukee, Sheboygan, Fund du Lac and Oak Creek, WI, and to points in the commercial zones of the cities named above, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kenneth W. Folger, Great Plains Processing, 1100 Cunningham Drive, Sioux City, IA 51107; Mid-America Tanning Co., Inc., Port Neal Industrial Area, Sergenat Bluff, IA.Send Protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 144293 (Sub-7TA), filed February 26, 1979. Applicant: GEORGE MCFARLAND, SR., P.O. Box 21, Oakland, MN 56076. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 5540. *Foodstuffs (except commodities in bulk)* from Beloit, WI to points in IL, IN, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Geo. A. Hormel & Company, P.O. Box 800, Austin, MN 55912. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 4th Street, Minneapolis, MN 55401.

MC 144363 (Sub-7TA), filed February 5, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as above). *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by retail stores (except foodstuffs and commodities in bulk),* between points in AL, AR, CA, FL, GA, IA, IL, KS, KY, LA, MN, MO, MS, NC, NE, NV, OR, SC, TN, TX, UT, and WA, under continuing contract(s) with Ardan Wholesale, Inc., for 180 days. An underling ETA seeks 90 days authority. Supporting Shipper(s): Donald C. Vial, Ardan Wholesale, Inc., 2320 Euclid, Des Moines, IA 50310. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 144452 (Sub-8TA), filed February 22, 1979. Applicant: ARLEN LINDQUIST, d/b/a/ ARLEN E. LINDQUIST TRUCKING, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. (1) *Petroleum and petroleum products, in containers,* from Sewaren and Paulsboro, NJ and New Orleans, LA to points in MN; and (2) *Empty containers used in the transportation of petroleum and petroleum products* in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Taconite Oil, Inc., 121 South 4th Street, Virginia, MN. Miller Oil Company, Inc., Box 35, Deer River, MN 56636. Grover Dist. Co., Inc., P.O. Box 842, Detroit Lakes, MN 56501. Logeais Oil Company, Box H, Annandale, MN 55302. South Minnesota Oil Company, 1621 West Main, Albert Lea, MN. 4 County Oil Company, 1st & Beltrami, Benidji, MN 56601. Chamberlin Oil Company, Box 278, Clontarf, MN 56226. Johnson Oil Company, Inc., Milaca, MN. Consumer Oil Company, Box 822, Brainerd, MN 56401. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S., Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144503 (Sub-10TA), filed February 21, 1979. Applicant: ADAMS REGRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Meats, meat products, and meat by-products, and articles destributed by meat packing houses,* as described in Sections A and C of Appendix I to the Report in Description in Motor Carrier Certificates, of 61 MCC 209 and 766 (except hides and commodities in bulk), from facilities of Wilson Food Corporation at Cedar Rapids, IA to points in AL and GA, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Wilson Foods Corporation, Oklahoma City, Oklahoma 73105. Send protests to: Sara K. Davis, Transportation Assistant, ICC, Room 300, 1252 West Peachtree St., N.W., Atlanta, Georgia 30309.

MC 144572 (Sub–10TA), filed February 28, 1979. Applicant: MONFORT TRANSPORTATION CO., P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th Street, suite 2600, Denver, CO 80202. *Alcoholic beverages and nonalcoholic beverage mixes* from points in CA, Buffalo, NY and La Crosse, WI to the facilities of C & C Distributing

Co., in Denver, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting Shipper(s): C & C Distributing Co., P.O. Box 7446, Denver, CO 80207. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 145152 (Sub–36TA) (Republication), filed February 8, 1979, published in the **Federal Register** notice of March 7, 1979, and republished this issue. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Malt beverages and related advertising materials;* and (2) *empty, used beverage containers* for recycling and materials and supplies used in and dealt with by breweries, from Jefferson County, CO, to points in CA, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Adolph Coors Company, Golden, CO 80401. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201. The purpose of this republication is to add the territorial description which was previously omitted.

MC 145152 (Sub–39TA), filed February 21, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such commodities* as are dealt in our used by wholesale and retail discount and variety stores, from Compton, CA to Bentonville, Fort Smith and Searcy, AR, for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-40TA), filed February 21, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Foodstuffs, canned, preserved or prepared* (other than frozen) NOI, from the facilities of Ocean Spray Cranberry Corporation, at or near Kenosha, WI, to points in CO, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ocean Spray Cranberry Corporation, 7800 South 60th Avenue, Kenosha, WI 53142. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 146262 (Sub-1TA), filed February 2, 1979. Applicant: Cecelia & Charles Michael Morrison, d.b.a. C & M HAULING SERVICE, 115 Hillside Court, Hagerstown, MD 21740. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Contract carrier,* irregular routes, *environmentally controlled clean rooms, and materials, equipment, tools and supplies (except in bulk) used in the manufacture, installation and operation thereof,* from Hagerstown, MD and Frankfort, IN and their commercial zones to Portland, ME; Los Alamos, NM and their commercial zones and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Environmental Air Control Co., Inc., 747 Bowman Ave., Hagerstown, MD 21740. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

By the Commission.

H. G. Homme, Jr.,
Secretary.
March 29, 1979.
[Notice 453]

[FR Doc. 79–10201 Filed 4–2–79; 8:45 am]
BILLING CODE 7035–01–M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 65
Tuesday, April 3, 1979

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

	Item
Commodity Credit Corporation	1
Commodity Futures Trading Commission	2
Federal Home Loan Bank Board	3-5
Federal Reserve System	6
Harry S Truman	7
Legal Services Corporation	8
Nuclear Regulatory Commission	9
Railroad Retirement Board	10

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 10 a.m., April 10, 1979.

PLACE: Room 218-A, Administration Building, U. S. Department of Agriculture, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on March 20, 1979.

2. Docket UCY 167b re: Storage use guarantees to encourage construction of commercial storage facilities in storage deficit areas. This docket, formerly identified as Docket OC2 299, Revision 1, Amendment 1 re: Disaster reserve, was taken up at the meeting held on March 20, 1979 as announced (44 FR 15862 dated March 15, 1979) but was deferred by the Board for further discussion at a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone (202) 447-7583.

[S-638-79 Filed 3-30-79; 11:52 am]

BILLING CODE 3410-05-M

2

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:" Vol. 44 No. 63—Friday, March 30, 1979 pg. 19094.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:30 AM, March 30, 1979.

CHANGES IN THE MEETING: Meeting date changed to Monday, April 2, 1979 at 10:30.

[S-642-79 Filed 3-30-79; 2:55 pm]

BILLING CODE 6351-01-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, No. 59, page 18136, March 26, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 29, 1979, 9:30 a.m.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling [202-377-6677].

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting:

Application for Service Corporation Activity—Lafayette Savings Service Corporation-Lafayette Federal Savings & Loan Association of Greater St. Louis, Warron Woods, Missouri.

No. 224, March 29, 1979.

[S-635-79 Filed 3-30-79; 8:53 am]

BILLING CODE 6720-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 5, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling [202-377-6677].

MATTERS TO BE CONSIDERED:

Branch Office Application—Down River Federal Savings & Loan Association, Taylor, Michigan.

Application for Permission to Organize a Federal Association—Thomas Sung, et al., New York, New York.

Branch Office Application—Florida Federal Savings & Loan Association, St. Petersburg, Florida.

Limited Facility Application—State Federal Savings & Loan Association, Beatrice, Nebraska.

Consideration of Request for Extension of Time by Bass Financial Corporation, Chicago, Illinois, to acquire Wabash Building and Loan Association, Louisville, Illinois.

Application by Beneficial Corporation to Acquire Texas Financial Corporation.

[S-636-79 Filed 3-30-79; 8:53 am]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, No. 62, Thursday, March 29, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., March 29, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling [202-377-6677].

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting.

Application by Beneficial Corporation to Acquire First Texas Financial Corporation.

The following item, previously withdrawn from the open agenda, is now reinstated:

Application for Conversion from Federal to State Charter and Subsequent Merger into a Mutual Savings Bank—Arlington Federal Savings and Loan Association, Baltimore, Maryland, into Central Savings Bank, Baltimore, Maryland.

The following item has been added to the agenda for the open meeting:

Conversion from Federal Charter to a Mutual Savings Bank—Colonial Federal Savings and Loan Association, Philadelphia, Pennsylvania.

No. 222, March 28, 1979.

[S-637-79 Filed 3-30-79; 8:53 am]

BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Friday, April 6, 1979. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED: Open portion:

1. Proposed uniform policy for the classification of delinquent consumer installment loans.

2. Any agenda items carried forward from a previously announced meeting.

NOTE.—The open portion of this meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Closed portion:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204.

Dated: March 30, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-639-79 Filed 3-30-79; 11:52 am]

BILLING CODE 6210-01-M

7

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION.

TIME AND DATE: 10 a.m., Monday, April 9, 1979.

PLACE: Board Room, 712 Jackson Place N.W., Washington, D.C. 20006.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public

1. Called meeting to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of September 11, 1978 meeting.
4. Report of Chaiman.
5. Report of Executive Secretary.
6. Discussion of Awards Ceremony.
7. New Business.
8. Set date for next meeting in September 1979.

Portions closed to the public

1. Selection of Truman Scholars for 1979–80.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, telephone, 202–395–4831.

John W. Snyder,
Chairman, Board of Trustees.

[S-643-79 Filed 3-30-79; 3:31 pm]

BILLING CODE 9500-01-M

8

LEGAL SERVICES CORPORATION: Presidential Search Committee Meeting.

TIME AND DATE: 12:30 p.m., Thursday, April 5, 1979.

PLACE: 11th Floor Conference Room, Legal Services Corporation, 733 15th Street, N.W., Washington, D.C.

STATUS: Open Meeting (Part of the meeting may be closed as authorized by 5 U.S.C. 552b(c)(2) that will relate solely to the discussion of existing and potential candidates for appointment as President.)

MATTERS TO BE CONSIDERED:

1. Procedures for Presidential Search.
2. Discussion of existing and potential candidates for appointment as President. (This part of the meeting may be closed.)

CONTACT PERSON FOR MORE INFORMATION: Dellanor Young, Office of the President, telephone (202) 376–5100.

Issued: March 29, 1979.

Thomas Ehrlich,
President.

[S-634-79; Filed 3-30-79; 8:53 am]

BILLING CODE 6820-35-M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of April 2 (Revised).

PLACE: Commissioner's Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Tuesday, April 3 (Revised)

10:30 a.m. 1. Briefing on Steam Generator Denting and Replacement (approximately 1 hour, public meeting).

1:30 p.m 1. Briefing on Regulatory Reform Legislation (approximately 1 hour, public meeting).

2. Discussion of Legislative Proposals (siting and licensing) (postponed from 3/29) (approximately 1 hour, public meeting).

3. Meeting on Possible Litigation in Sheffield (approximately 1 hour, closed—exemption 10).

Wednesday, April 4

10:00 a.m. 1. Meeting on Defense and Space Program Review Scope Matters (approximately 2 hours, closed—exemption 1).

1:30 p.m. 1. Discussion of Upgrade Rule and Supporting Guidance (initial meeting) (open—portions may be closed—exemption 1, approximately 2 hours).

Thursday, April 5

9:30 a.m. 1. Continuation of 3/29 Meetings on Federal Radioactive Waste Activities and State Participation in Waste Management (approximately 2 hours, public meeting).

1:30 p.m. 1. Joint Meeting with ACRS (approximately 1½ hours, public meeting):

a. Combination of dynamic loads as a design basis for nuclear facilities.

b. Preliminary discussion of seismic design of nuclear power plant piping.

c. Discussion of incident at Three Mile Island.

d. Scope and Timing of ACRS annual report on the NRC safety research program.

e. Use of probabilistic analysis in the licensing process (tentative).

f. Participation of ACRS Consultants in NRC Hearings (tentative).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

March 28, 1978.

Walter Magee,
Office of the Secretary.

[S-641-79; Filed 3-30-79; 2:22 pm]

BILLING CODE 7590-01-M

10

U.S. RAILROAD RETIREMENT BOARD.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., April 9, 1979.

CHANGES IN THE MEETING: Additional items to be considered at the portion of the meeting closed to the public:

2. Appeal from referee's denial of disability annuity application, Lee O. Traylor.
3. Appeal from referee's denial of widow's insurance annuity, Geneva Loyd.
4. Appeal from referee's denial of disability annuity application, Joseph Saputo, Jr.
5. Appeal from referee's denial of disability annuity application, John L. Bailey.
6. Appeal from referee's denial of disability annuity application, Patrick K. Archambault.
7. Appeal from referee's denial of disability annuity application, Raphael J. Liebert, Jr.
8. Appeal from referee's denial of disability annuity application, J. C. Jones.
9. Appeal from referee's denial of establishment of a "disability freeze" period, Jose R. Arriaga.
10. Appeal from referee's denial of widow's insurance annuity, Elizabeth J. Rice.
11. Appeal from referee's denial of disabled widow's insurance annuity, Antoinette Formosa.
12. Appeal of William F. Ingram under the Railroad Unemployment Insurance Act.
13. Appeal of Thomas M. Daniels, Sr., under the Railroad Unemployment Insurance Act.

R. F. Butler,
Executive Secretary.

[S-640-79 Filed 3-30-79; 2:26 pm]

BILLING CODE 7905-01-M

Reader Aids

Federal Register
Vol. 44, No. 65
Tuesday, April 3, 1979

INFORMATION AND ASSISTANCE

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523–5235	Weekly Compilation of Presidential Documents.
523–5235	Index

PUBLIC LAWS:

523–5266	Slip Laws
523–5282	
523–5266	U.S. Statutes at Large
523–5282	
523–5266	Index
523–5282	
523–3408	Automation
523–4534	Special Projects

FEDERAL REGISTER PAGES AND DATES, APRIL

19181–19364.....2
19365–20053.....3

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL

1 CFR
Ch. I.....19181
51.....19182

3 CFR

Proclamations:
4652.....19369

Executive Orders:
12127.....19367

5 CFR
737.....19974

7 CFR
1421.....19182, 19371

Proposed Rules:
1421.....19411
1423.....19413
1424.....19413
1427.....19416
1434.....19413
1822.....19419
1933.....19419

9 CFR
82.....19371, 19372
92.....19373

Proposed Rules:
92.....19423

10 CFR
450.....19338
455.....19338

Proposed Rules:
210.....19423
211.....19423
212.....19423
436.....19326
500.....19427
501.....19427
502.....19427
503.....19427
504.....19427
505.....19427
506.....19427
507.....19427

12 CFR
12.....19374
24.....19374

13 CFR

Proposed Rules:
302.....19427

14 CFR
39.....19184
71.....19185

Proposed Rules:
39.....19205
71.....19205
Ch. V.....19206

15 CFR
275.....19383
375.....19383

16 CFR
13.....19384

17 CFR
200.....19186
210.....19386
240.....19386
270.....19387
275.....19386

18 CFR
154.....19387
157.....19387

Proposed Rules:
Ch. II.....19206

19 CFR
101.....19389

20 CFR
675.....19990
676.....19990
677.....19990
678.....19990
679.....19990

21 CFR
184.....19389
193.....19186
561.....19186

Proposed Rules:
182.....19430
184.....19430
186.....19430
310.....19434
314.....19434
413.....19434
510.....19438
808.....19438, 19443
884.....19894–19970

22 CFR
11.....19391
51.....19393

24 CFR

200 19394
1914 19397
1915 ..... 19399, 19400
1917 19400

25 CFR

41 19187
43 19187

26 CFR

5 19190

Proposed Rules:

Ch. I 19284

29 CFR

2520 19400

31 CFR

51 19191
226 19406

32A CFR

134 19207

33 CFR

117 19192

Proposed Rules:

117 19208
Ch. I 19207

40 CFR

52 19192
434 19193

Proposed Rules:

65 19208–19211
81 ..... 19212, 19213
405 19214
406 19214
407 19214
408 19214
409 19214
411 19214
412 19214
418 19214
422 19214
424 19214
427 19214
432 19214

41 CFR

20 19194
101–47 19406

Proposed Rules:

101–20 19443

42 CFR

122 19304
123 19304

43 CFR

Public Land Orders:

5660 19406

45 CFR

Proposed Rules:

Ch. XIII 19214

46 CFR

401 19360

Proposed Rules:

401 19362
402 19362

48 CFR

Proposed Rules:

15 19214
17 19214
24 19214
44 19214

49 CFR

1033 ..... 19202, 19203

50 CFR

33 ..... 19407, 19408
230 19408

Proposed Rules:

654 19444

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 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/FSQO		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
GSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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 Archieves and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday / Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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

14536 3–13–79/CAB—Air freight forwarders and cooperative shippers associations; relief and exemption from the Act

List of Public Laws

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–375–3030).

[Last Listing March 9, 1979]

H. R. 2301 / Pub. L. 96–4 To amend the Federal District Court Organization Act of 1978 with respect to certain administrative matters arising from the redrawing of the Federal judicial districts in the State of Illinois. [Mar. 30, 1979; 93 Stat. 6]. Price $.60.

BOOK 2:
PAGES
19675–20053

federal register

Book 2 of 2 Books
Tuesday, April 3, 1979

Part II—USDA/APHIS:
Animal Welfare; List of Licensed Dealers

Part III—USDA/APHIS:
Animal Welfare; List of Licensed Exhibitors

Part IV—USDA/APHIS:
Animal Welfare; List of Registered Exhibitors

Part V—USDA/APHIS:
Animal Welfare; List of Registered Research Facilities

Part VI—Labor/ETA:
Designation as Prime Sponsor Under the Comprehensive Employment and Training Act

Part VII—HEW/FDA:
Obstetrical and Gynecological Denies

Part VIII—OPM:
Post Employment Conflict of Interest

Part IX—
Comprehensive Employment and Training Act Regulations

federal register

Tuesday
April 3, 1979

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare

List of Licensed Dealers

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Dealers

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following dealers are licensed under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 21st day of March 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALABAMA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABNEY, A	DOG PATCH KENNEL	RT 2 BOX 357A	ATTALLA 35954
* BARKER, NM	BROKEN PINE RABBITRY	RT 1 BOX 59A	CHELSEA 35043
* BREWER, T	TROPICAL PET CENTER	1437 MONTGOMERY HIGHWAY	BIRMINGHAM 35216
* CAMPBELL, P & Z	PET SAFARI	100 BROADWAY	HOMEWOOD 35209
* CONNELLY, SL		8 WILSHIRE RD	MOBILE 36619
* COOK, R & L	R & L KENNELS	PO BOX L	ALICEVILLE 35442
* EMERSON, J		RT. 5	HAMILTON 35570
* FONDREN, JK	SON-SETT KENNELS	BOX 368	SLOCOMB 36375
* FOWLER, TW		RT 2 BOX 459A	THEODORE 36582
* HUNGER, J	NOAH'S ARK	5010 NAIL DR.	HUNTSVILLE 35810
* JOHNSON, C		RT 3 BOX 16A	LUVERNE 36049
* JOHNSON'S KENNELS		PO BOX 302	SEMMES 36575
* NAPP, C		RT. 2 BOX 423	WILMER 36587
* NORWOOD, H		2309 31ST STREET SW	BIRMINGHAM 35221
* PORT OF PETS		606 BROOKWOOD VILLAGE	BIRMINGHAM 35209
* SCOTT, D & A	OWL HOLLOW KENNELS	RT. 7	FORT PAYNE 35967
* SCOTT, D&WM	S & S PET CENTER	1119 6TH AVE. SE	DECATUR 35601
* SPILLER PET CENTER		36 MCFARLAND MALL	TUSCALOOSA 35401
* TALLENT, R & M	TALLENT'S RABBIT FARM	RT. 2 BOX 184	CENTRE 35960
* TAYLOR, RG		PO BOX 68	WINFIELD 35594
* WAGER, MW		1707 FAIRMONT ST	DOTHAN 36301
* WELLS, G		RT 2	RAINESVILLE 35986
* WHITE, CG	ALAQUATICS PET CENTER	1012 3RD AVE W	BIRMINGHAM 35204
* WRIGHT, GW		RT 2 BOX 229	SLOCOMB 36375

ARIZONA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABRAHAMS, OL		2742 E. SOUTHERN	PHOENIX 85040
* BERNAL, D		PO BOX 102	GILBERT 85234
* COX, N&G	BORDER-N-KENNELS	216-4TH ST	NACO 85620
* DUNBAR, KL	DUNBAR'S KAY DOT RABBITRY	6710 N WAYCROSS	TUCSON 85704
* ELLIOT, L & M		RT 1 BOX 231	CHANDLER 85224
* FITZPATRICK, P	FITZ-BRIM BREEDING RANCH	5315 W TANGERINE RD	TUCSON 85704
* FRARER, HW & ME	F&F RANCH	RT 1 BOX 207	ST DAVID 85630
* HENRY, L	HENRY'S KENNELS	P.O. BOX 72	BUCKEYE 85326
* HIGGINS, R	A BAR A DOGGIE DUDE RANCH	1301 W. HATCHER RD.	PHOENIX 85021
* JETER, HM & WS	SOUTHWESTERN RESEARCH ANIMALS	4834 E GLENN ST	TUCSON 85712
* JONES, G		440 S CACTUS WREN	GILBERT 85234
* KINT, WE	CHEROKEE RABBITRY	1664 N. TREVOR	MESA 85201
* LUDLOW, G & SMITH, J	SMITH, LUDLOW & ASSOCIATES	PO BOX 102	GOODYEAR 85338
* MARTYNOWSKI, HS	CROWN RABBITRY	14802 N 33RD WAY	PHOENIX 85032
* MATHEWS, E	MEINE	RT. 1 BOX 136	QUEEN CREEK 85242
* NOLAN, AJ	THE PET CORRAL	RT 1 BOX 38	SAFFORD 85546
* OLLSON, LM	OLLSON'S RARE BIRD FARM	RT 1 BOX 152	GLENDALE 85301
* OLSON, K	BLUE RIBBON RANCH	622 N. FORGEUS AVE.	TUCSON 85716
* RATHSACK, R & G	THE BUNNY FARM	PO BOX 7886	TUCSON 85725
* SCARBOROUGH, TL	PHOENIX TROTTING PARK	RR 1 BOX 112E	BUCKEYE 85326
* SOUTHWESTERN SCIENTIFIC C O		4345 E. IRVINGTON RD	TUCSON 85714
* STOCKETT, S	RABBIT ENT	4546 W CRIVELLO	LAVEEN 85339
* STOWELL, M & L		526 S. CACTUS WREN	GILBERT 85234
* STRAKA, R		20 RANCHO DEL SOL	GILBERT 85234
* WAHRENDORF, W & K	PET'S PARADISE	4631 W TIERRA BUENA	GLENDALE 85306
* WATSON, C	WATSONS DOBERMANS	BOX 653	PIMA 85543
* WILD KINGDON LTD		1019 E 6TH ST	TUCSON 85719
* YAROLEM, W&S		6001 W MEDLOCK DR	GLENDALE 85301
* ZIOLKOWSKI, HM		STAR RT 2 BOX 749	CAVE CREEK 85331

ARKANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLEN, B		R 4 BOX 25	GRAVETT 72736
* ANIMAL BEHAVIOR ENTERPRIS ES INC		4800 ALBERT PIKE	HOT SPRINGS 71901
* BAIRD, P	MARTIN CREEK KENNELS		WILLIFORD 72482
* BAKER, L		1103 P ST	BARLING 72923
* BENEGAR, HJ & LC		RT 2	HUNTSVILLE 72740
* BLOXHAM, M	BLOXHAM PUPPY RANCH	R 4	ROGERS 72756
* BRADY, S	BRADY KENNELS	STAR ROUTE	EVANSVILLE 72729
* BRITTON, J	FARWAY FARMS	STAR RT. BOX 37	FLORAL 72534
* BROWN, K	LAZY VK KENNELS	PO BOX 421	GENTRY 72751
* C.B. RABBIT RANCH		RT 1 BOX 162-C	JACKSONVILLE 72076
* CAMPBELL, E		1809 N SHORT L ST	FT SMITH 72901
* CHATTERTON, E	HILLSIDE KENNEL	DELMAR STAR ROUTE	HARRISON 72601
* CHERRY, M	CHERRY'S RABBITRY	STAR ROUTE 7	SEARCY 72143
* COLLINS, J & S		RT 2 BOX 65	HAMBURG 71646
* COOPER, S		1301 JOHNSON	FT. SMITH 72904
* CORBIT, MRS JM	CORBIT RABBITRY	RT 2	SEARCY 72143
* CREWS, JO	WEATHER WATCH KENNELS	ROUTE 1 BOX 143C	WEST FORK 72774
* DALTON, WR & WILKINS, D	D & D KENNELS	RT 2 BOX 49	NASHVILLE 71852
* DAVIS, WJ & JP	JANBILS KENNELS		GARFIELD 72732
* DECKER, WE	CHESTNUT CREEK KENNEL	BOX 4492	FAYETTEVILLE 72701
* DESALVO G	PINE ACRES KENNEL	RT 2	MORRILTON 72110
* EARLY, MS	MARILYN'S TIMBERLANE KENNEL	RR 5 BOX 373	MOUNTAIN HM 72653
* EATON, C	HILLSIDE KENNELS	GENERAL DELIVERY	PETTIGREW 72752
* EHRHEART, A	ROMANEE KENNELS	R 1	MT VERNON 72111
* FORD, P	ALMOSTA KENNEL	R 1	WEST FORK 72774
* FULTON, A	PINE TREE KENNEL	BOX 175	OMAHA 72662
* GARNER, S & G		STAR RT	HARVEY 72841
* GORSLINE, CR		RT 2 BOX 68	GRAVETTE 72736
* HERMES, I		RT 1 BOX 51	BEE BRANCH 72013
* HOLCO, INC		PO BOX 186	FAYETTEVILLE 72701
* HUBBARD, M	DOUBLE M KENNEL	PO BOX 389	MT. BURG 72946
* JESTER, A	JESTER KENNEL	RT 4	BENTONVILLE 72712
* JESTER, W	FLYING W KENNELS	R 4	BENTONVILLE 72712
* JONES, K & D	ROCKY TOP KENNEL	R 1	WEST FORK 72774
* KRATZ, D	B&D RABBITRY	RT 2 BOX 22 9	MALVERN 72104
* KUHAGEN, LE	CLOVERLEAF KENNEL.	LUBER RT BOX 58A	MOUNTAIN VIEW 72560
* LAMONT, E	LAMONT KENNELS	RT. 2 BOX J 121	FT. SMITH 72916
* LANGSTON, M	OZARK MALAMUTE KENNEL	BOX 254	MAMMOTH SPRINGS 73554
* LASWELL, T	TOO-RIC KENNELS	PO BOX 418	GENTRY 72734
* LEHMAN, R	ROSA KENNELS	PO BOX 562	SPRINGDALE 72764
* LEONARD, K		RT 2 BOX 177	GRAVETTE 72736
* LINN, LK		PO BOX 332	CLINTON 72031
* LLOYD, LT	ROCK SPRINGS KENNELS	STAR RT. 4 BOX 112	ELKINS 72727
* MARRS, D&M		PO BOX 66	COLT 72326
* MCARDELL, L	LANDELL KENNELS	BOX 99	CANE HILL 72717
* MCMASTERS, JD	MCMASTERS KENNELS		SULPHER SPRINGS 72768
* MEUSER, IA		RT. 2 BOX 7	FAYETTEVILLE 73701
* MILLER, BW		PO BOX 684	GREENWOOD 72936
* MILLER, M	MA-MA KENNELS	BOX 111 RT N	YELLVILLE 72687
* MOREFIELD, D	DAISY KENNELS	BOX 283	GENTRY 72734
* MORRIS, S	CANINES FINEST KENNEL	RT 1	PIGGOTT 72454
* NOLAN, G & A	WILDWOOD KENNEL	STAR ROUTE	VAN BUREN 72956

ARKANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* PEL-FREEZ FARMS INC		P.O. BOX 68	ROGERS 72756
* PHILLIPS, D	PHILLIP'S KENNELS	RT. 4	ROGERS 72756
* PLATT, R	PLATT'S KENNELS	R 2	PRAIRIE GROVE 72753
* PROPHET, E&A	PROPHET KENNELS	809 NORTH 16TH ST	VAN BUREN 72956
* ROBISON, R	BRYANT COVE KENNEL	RT 1 BOX 47	CASO 72025
* ROUSE, GE		RT 1	FARMINGTON 72730
* SAGARSEE, R		RT 1 LOST BRIDGE RD127	GARFIELD 72732
* SANDERSON, G		RR 1	CONDON 72847
* SHARP, EL	SHARPS KENNELS	RT 2 BOX 44	NASHVILLE 71852
* SMALL STOCK INDUSTRIES, I NC		PO BOX 157	PEA RIDGE 72751
* SMITH, G&D		RT 1 BOX 31	GRAVETTE 72736
* SPARKS, J	SPARKS KENNELS	PRAIRIE GROVE 73753	PRAIRE GROVE 73753
* SPERLING, D & F	WINN CREEK KENNELS	RT 1 BOX 281	WINSLOW 72959
* STEPHENS, L	STEPHENS KENNEL	RT 4 BOX 196A	BENTONVILLE 72712
* STEPHENS, T		RT #1 BOX 125	GENTRY 72734
* STRATTON, J	ARK. COON HOUND KENNELS	HWY 94N	ROGERS 72756
* STRIEGLER, CT	FLINT RIDGE KENNEL	RT 2	FAYETTEVILLE 72701
* SUTTON, R&L	SHAN-RIC SHELTIES	RT 1 BOX 155	LOWELL 72745
* TALBURT, RL		R 3 BOX 50 A	GRAVETTE 72736
* TAYLOR, J & N		PO BOX 345	WALNUT RIDGE 72476
* TISDALE, G		RT 2 BOX 290	GENTRY 72734
* TREE HILL RABBITRY, INC		BOX 141	GRANNIS 71944
* TUTTLE, CM	C & C KENNELS	RT 1 BOX 7	GENTRY 72734
* WALKER, I		RT 3 BOX 47	GRAVETTE 72736
* WARD, B	WARD'S KENNELS	RT 2 BOX 231	GRAVETTE 72736
* WARNER, E		RT 1	GENTRY 72734
* WATKINS, LP	CON-LEN FARMS	BOX 188	CARAWAY 72419
* WINNINGHAM, RM		RT 3	GENTRY 72736
* WOODS, B	WOODS KENNELS	RT 1	ROGERS 72756
* WORMUTH, M&C	WORMUTH KENNELS	RT 2 BOX 39	MOUNTAINBURG 72946

CALIFORNIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABERNATHY, JD		175 EAST ST	NORCO 91760
* ACKERMAN, J & M		5200 S ST #82	OXNARD 93030
* ALAMEDA, BJ	BEVERLY BIRDLAND	RT. 1 BOX 217-D	NEVADA CITY 95959
* ANDREWS, MT & E		1187 MERRILL RD	SAN JUAN BAUTISTA 95045
* AYER, JS	JUNGLE JIM'S PET SHOP	321 N MT SHASTA BLVD	MT SHASTA 96067
* BARDINI, M		3261 FAY AVE.	LOS ANGELES 90034
* BARR, B & M		1515 ARDMORE	MODESTO 95350
* BENTLEY, E & E	VALLEY LABORATORY SUPPLY	PO BOX 18	MIRALOMA 91752
* BERGIN, R & P	THE GOLDEN HARE	PO BOX 3167	CARMEL 93921
* BISHOP, G&C	BISHOP'S PET CENTER	P.O. BOX 924	CAMPBELL 95008
* BLISS, C	CAREY'S WILD ANIMALS	3510 EL RICON WAY	SACRAMENTO 95825
* BOND, LE	GLOBAL SEA LIONS	PO BOX 464	SANTA BARBARA 93102
* BORDEN, D & J		8908 W VELMA LN.	TRACY 95376
* BRISTOW, W & T	CHER MAR KENNEL	4855 PIONEER AVE.	HUGHSON 95326
* BRUSBY, R	JUNGLELAND PETS	6099 SAN JUAN AVE	CITRUS HEIGHTS 95610
* BURNETT, J & G		3169 DURANT AVE	SAN JOSE 95111
* BURNS, TS	NATIONAL RESEARCH RESOURCES	PO BOX 691	BONITA 92002
* CAL-LUMINUM, INC.		11835 S MORNING AVE	DOWNEY 90241
* CAMPBELL, AB	AEC RABBITRY	11203 ROSWELL AVE	POMONA 91766
* CANINE COUNTRY CLUB, INC		42116 4TH STREET EAST	LANCASTER 93534
* CASTELLUCCI, R	CASTLE RABBITRY	STAR RTE BOX 2M	CORNING 96021
* CHRISTENSEN, E & G	CALIFORNIA BIOLOGICAL SUPPLY C O	PO BOX 1736	VISTA 92083
* COBB, CP	QUALITY HAMSTERS	PO BOX 5691	OXNARD 93031
* COSTLEY, I		931 FRANZI CT	MODESTO 95351
* COURY, N & R	GOLDEN WEST KENNELS	343 GOODWIN RD	MODESTO 95351
* COVELLO, A	STEVINSON RABBITRY	23981 SECOND AVE.	STEVINSON 95374
* CURD, ME	CURD'S CAVIARY & ANIMAL SUPPLY	787 S 4TH AVE	LA PUENTE 91746
* DAHL BIOLOGICAL SUPPLY, I NC		25 HEGENBERGER PL	OAKLAND 94621
* DALRI, JR., CS	EXOTICS OF CALIFORNIA	4586 ROSS GATE WAY	PLEASANTON 94566
* DE BORONDY, DR L	CASA DE PETS	PO BOX 1663	STUDIO CITY 91604
* DENIO'S ROSEVILLE FARMERS MKT.		PO BOX 999	ROSEVILLE 95678
* DOYLE, M		13641 ERWIN ST	VAN NUYS 91401
* DUNN, R	L.A. PETS	12909 SATICOY ST	N HOLLYWOOD 91605
* ENGLISH, V	LEOPARD CAT INFORMATION CENTER	PO BOX 3632	HOLLYWOOD 90028
* ERDTSIECK, AA	SAFE HAVEN RABBITRY	2158 WALZER RD	SANTA ROSA 95401
* FREMAN, NE&ML	LIT RABBITRY	5552 FREEDOM BLVD	APTOS 95003
* GIACINTO, J	EXOTIC ANIMALS	19400 SANTA RITA	TARZANA 91356
* GILLETTE, W & N	PARADISE HAMSTERY	2912 PARADISE RD	MODESTO 95351
* GOEBEL, AR	CAMEL FACTORY	1850 A N MAIN	PORTERVILLE 93257
* GOEBEL, EL		PO BOX 4198	THOUSAND OAKS 91360
* GOEBEL, L		PO BOX 4198	THOUSAND OAKS 91359
* HALL, C	HALL'S SECURITY DOGS	7915 FOLSOM BLVD	SACRAMENTO 95826
* HENDRICKS, W & M	CREST CAVIARY	4133 OAK GROVE SCHOOL RD	RAYMOND 93653
* HOLLOMAN, C & JC		1600 E. MONTE VISTA	CERES 95307
* HOWARD, LA	HOWARD'S KENNELS	696 NORTH LEONARD AVE	FRESNO 93727
* JOLLY, BM	BETRON PETS	8341 DENNI ST.	CYPRESS 90630
* JOLLY, RI		8341 DENNI ST.	CYPRESS 90630
* JUSZYK, C&J		PO BOX 3262	THOUSAND OAKS 91359
* KEARLEY, EO		P.O. BOX 2089	TURLOCK 95380
* KELLEY, JO		609 F ST	GALT 95632

CALIFORNIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* KNUDSEN, HH		12488 S HARLAN RD	LATHROP 95330
* KURZ, E		16300 ARNOLD DR	SONOMA 95476
* LANCASTER, L		12663 AVE 336	VISALIA 93277
* LIFE SCIENCES ASSOCIATES		4526 LOBOS AVE.	SAN JOSE 95111
* LOEWEN, SR, AD & HN	FLYING COUGAR RANCH	8340 RECLAMATION RD	UPPERLAKE 95485
* LOMA LINDA UNIVERSITY		ANIMAL CARE FACILITY	LOMA LINDA 92354
* MAGNOLIA BIRD FARM INC		8990 CERRITOS AVE	ANAHEIM 92804
* MARTINEZ, M	BASICALLY BIRDS	1549 SO MARSHALL	ALPINE 92001
* MCCREARY, WE&NJ		7883 ELPHICK RD	SEPASTOPOL 95472
* MERWIN, JE	HILLS OF HOME RANCH	20837 DEERHORN VALLEY RD	JAMUL 92035
* MEYER, W & L	MOUNTAIN CAVIARY	BOX 479	ANGWIN 94508
* MEYERDICK, C&F	CFM RABBITRY	1447 MIDWAY RD	VACAVILLE 95688
* MILLER, DR	RANCHO DE CONEJO	1345 SUNSET DR	VISTA 92083
* MISSION LABORATORY SUPPLY INC		PO BOX 456	ROSEMEAD 91770
* MOOTNICK, A		BOX 93	CHATSWORTH 91311
* NANNINI, LJ		315 B ST	COLMA 94014
* NATIONAL HERPETOLOGICAL SOCIETY		PO BOX 240	GLENDORA 91740
* NEILSON, J&D	NEILSON'S SHADY OAK RABBITRY	2540 TROWER AVE	NAPA 94558
* NEWCELL BIOCHEMICALS & HAMSTER HUT		1508 FIFTH ST	BERKELEY 94710
* NORTHRUP, I	KING & NORTHRUP KENNEL	3035 S. TRINITY	KERMAN 93630
* O'BRIEN, A	O'BRIEN'S GUARD DOG SERVICE	9836 FLORIN RD	SACRAMENTO 95826
* OSCISLAWSKI, L&M	L&M PETS & SUPPLIES	15856 E. MAIN ST.	LA PUENTE 91747
* OWENS, DM		1355 ROSE AVE.	PENNGROVE 94951
* PACIFIC BIRD & SUPPLY CO		629 S JUNE ST	LOS ANGELES 90005
* PARROT MOUNTAIN, INC.		PO BOX 246	RANCHITA 92066
* QUINN ZOOLOGICAL ASSOC., INC.		8693 WILSHIRE BLVD SUITE 201	BEVERLY HILLS 90211
* ROBBINS, EK		6027 COLDBROOK	LAKEWOOD 90713
* ROSKILLY, GB	GLENS PETS & PET SUPPLY	12137 LOPEZ CANYON RD	SAN FERNANDO 91342
* RUNDEL, RS	SONOMA INSTITUTE OF ANIMAL BEHAVIOR	23570 ARNOLD DR	SONOMA 95476
* SAENZ, G	GERRY'S DOGS	2416 YOUNG ST	STOCKTON 95205
* SCHOLL, S	LABORATORY ANIMALS	2439 CATALINA DR	VISTA 92083
* SCHWAB, FL	MAR FREDRICKS RABBITRY	1245 ALAMO AVE.	MODESTO 93551
* SIMONSEN LABORATORIES INC		1180C DAY RD	GILROY 95020
* SIMUNEK, R&J		872 BUSCH DRIVE	VISTA 92083
* SINNETT, AH	WAGGIN TAIL KENNEL	3324 BARNHART RD	DENAIR 95316
* SNYDER, JW	CARRIAGE TRADE KENNELS	PO BOX 163	MARIPOSA 95338
* SPANGLER, PD	WESTERN PACIFIC BIOL SUPPLY	3372 W HARVARD ST	SANTA ANA 92704
* SPARROW, E & M	CROWN ANIMALS	250 SECOND AV	SAN LEANDRO 94577
* STANFORD RESEARCH INSTITUTE		333 RAVENSWOOD AVE	MENLO PARK 94025
* STARR, P	ELKHORN RABBITRY	5265 STARR WAY	WATSONVILLE 95076
* STEDMAN, KM	LORD STEDMAN KENNELS	STAR ROUTE	JANESVILLE 96114
* TAYLOR, S	RIVERHOLE LLAMASARY	5100 VOLKERTS RD	SEBASTOPOL 95472
* TRENT, G&H	TRENT'S CAVIARY	506 FAIRLAND AVE	MODESTO 95351
* UNIV OF S CALIFORNIA		UNIVERSITY PARK	LOS ANGELES 90007
* USREY, A&D	PEACEFIELD FARMS	562 MIMOSA AVE.	VISTA 92083
* VALLEY PET SUPPLY		1200 ZEPHYR AVE	HAYWARD 94544

CALIFORNIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* WESTERN SCIENTIFIC SUPPLY ,INC		PO BOX 681	WEST SACRAMENTO 95691
* WESTERVELT, MR	NITABELL RABBITRY	29215 TAYLOR AVE	HAYWARD 94544
* WHITTEN, MC	PETS UNLIMITED	536 E TAYLOR RD	CERES 95307
* WILLIAMS, A	ANDIE'S CRITTERS & VARMINTS	5542 COFFEE RD	MODESTO 95355
* WILLIAMS, H & B	PET VILLAGE	705 W ARBOR VITAE	INGLEWOOD 90301
* ZIGLAR, HG & EI	EZH CAVIARY	BOX 93	WILLIAMS 95987

COLORADO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* COLORADO FERRETS, INC		400 S LIPAN #20	DENVER 80223
* DUNKER, L & M	DUNKER'S KENNEL	450 DATE	AKRON 80720
* ELARS BIOPHARMACEUTICS IN C.		225 COMMERCE DR	FT COLLINS 80521
* ENOS, H&M	ROCKY MOUNTAIN RABBITRY	3704 RICHMOND DR.	FORT COLLINS 80521
* ESSARY, A & E	TAG-A-LONG DOG RANCH	RT 1 BOX 5-C	LA ANIMAS 81054
* FAILING, DR		10244 SOUTH RD 4 EAST	MONTE VISTA 81144
* FREEMYER, ML	HIGH PLAINS KENNELS	RT 2 BOX B-15	HAXTUN 80731
* GILLESPIE, KD	SUPRAL	4682 SHAW BLVD	WESTMINSTER 80030
* HARDESTY/WINKLER ENT		5015 GARRISON	ARVADA 80002
* HAYNES, BL&BB	PAMPERED PETS	1600 W EVANS UNIT C	ENGLEWOOD 80110
* HILL, RA	SEDALIA HILLS RABBITRY	RT 1 BOX 128	SEDALIA 80135
* LAUPPE, V & PANKOSKI, E	HYLAND RABBITRY	RT 1 BOX 273	BRIGHTON 80601
* MAUCH, L	ARKANSAS VALLEY KENNEL	RT 1 BOX 107	LAMAR 81052
* MEKELBURG, E		RT 2	YUMA 80759
* MILLIKEN, JT	RIPPLES DOG RANCH	RT 2 BOX 151	ROCKY FORD 81067
* MITCHEM, DS	WESTERN HAMSTER SUPPLY	1848 W MISSISSIPPI	DENVER 80223
* MURPHY, HJ		BOX 280	WINDSOR 80550
* PANKOSKI, E	TRIPLE P. RABBITRY	29846 E. 131 ST. AVE.	COMMERCE CITY 80022
* PARK, JE	BIOLOGICAL RESEARCH LABORATORIES	6700 SIMMS PO BOX 1374	ARVADA 80002
* PATTERSON, JE	PATTERSON KENNELS	R 2 BOX 76	YUMA 80759
* SINDT, L&A	SINDT'S ACE HI KENNELS	RT 1	PEETZ 80747
* SPEAR, H		BURDETTE RT BOX 33	AKRON 80720
* STEELE, MT		101 E 1ST ST	OTIS 80743
* WAITMAN, E		RT 2	HOTCHKIS 81419
* WERNSMAN, G & B		RT 1 BOX 74C	HAXTUN 80731
* WOLFF, M		RT 3	HAXTUN 80731
* WOODS, E	ALLDOG KENNEL	BOX 112	EASTLAKE 80614
* WOOLINGTON, E & BOSSEN, D	AICHER'S RABBITRY		HEREFORD 80732

CONNECTICUT
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BEAUREGARD, R		525 SKOKORAT RD	BEACON FALLS 06403
* BERARDO, TR	TENDER LOVE & CARE PETS & PL	90-8 WAKELEE RD	WATERBURY 06705
* HIBBARD, P	WILD MAN RABBITRY	112 GRASSY HILL RD.	EAST LYME 06333
* JOHNSON, D & STROUT, F	INTER PET	GATEWAY CENTER	WILTON 06897
* SCHAEFER, WA		33 HAYDEN AVE	WINDSOR 06095
* TODD, EW		551 SKOKORAT RD	BEACON FALLS 06403
* TROPICAL FISH EMPORIUM		GATEWAY CENTER	WILTON 06897
* WACHSMAN, A		17 GLEN AVON DRIVE	RIVERSIDE 06878
* WERER, DR HO		PO BOX 484	SIMSBURY 06070

DELAWARE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BAILEY, RD	LITTLE ACRE ANIMAL FARM	RT. 2 BOX 338A	SEAFORD 19973
* BEACHY, L.		RD 1	GREENWOOD 19950
* HARRISON, RA & MI		2614 TURNSTONE DR BROOKMEADE II	WILMINGTON 19808
* HAZEL DEL FARMS INC		RD 1 BOX 198C	HARTLY 19953
* WISSEMAN, CE		PO BOX 81	GREENWOOD 19950

FLORIDA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALBERT, TR	SAFARI PET SHOP	6635 TAFT ST	HOLLYWOOD 33024
* ALLEN ANIMALS		RT. 2 BOX 1245A	ST. CLOUD 32769
* BAETJER, BJ	CHRISTIAN'S COMPOUND	RT 1 BOX 40	FELLSMERE 32948
* BAKER, P		PO BOX 151091	TAMPA 33684
* BARTECKI, M	THE PAMPERED PET	1104-C KEY PLAZA	KEY WEST 33040
* BAYS, E & B	SUNRISE AQUARIUM	1805 S. 33RD ST.	FT. PIERCE 33450
* BLACK, RW	HOLLYWOOD B&R PET SHOP	7351 ARTHER ST.	HOLLYWOOD 33024
* BOMAR INDUSTRIES INC.		2751 SUNSET BLVD.	NAPLES 33942
* BOONE, DR	ROCK & WOOD	10470 SW 66 ST	MIAMI 33173
* BRAMCO INC		P.O. BOX 205	GIBSONTON 33534
* BUCK, WE		RR #1 BOX 242	FLORAL CITY 33636
* BYERS, S	PET JUNGLE	913 RHODE ISLAND AVE	FT PIERCE 33450
* BYRD, L	BYRD'S ANIMAL IMPORTS	PO BOX 968	LABELLE 33935
* CAMPBELL, R & L	POODLE PALACE	6650 GULF BLVD.	ST. PETERSBURG BEACH 33710
* CAMPBELL, WH		740 LAKESIDE DR SW	LARGO 33540
* CARRIER, W		RT. 3 BOX 410	STUART 33494
* CARVER, C	CARVERS WILD ANIMAL FARM	P.O. BOX 608	GIBSONTON 33534
* CHARLES P CHASE CO INC		7200 NW 46TH ST.	MIAMI 33166
* CHESNUT, M	EXOTIC TROPICALS	RT 3 BOX 327	RIVERVIEW 33569
* COOPER,P		120 DAIRY RD	AUBURNDALE 33823
* CREWS, FH		109 E PALMETTO ST	AVON PARK 33825
* CUMMINGS, ML	CUMMINGS RABBITRY	1101A GERACI RD	LUTZ 33549
* DAMM, JA	ALPINE RANCH & KENNEL	RR L, BOX 476	NEWBERRY 32669
* DAWSON RESEARCH CORPORATION		PO BOX 8272	ORLANDO 32806
* DOBSON, L	DOBSON'S PETTING ZOO	RT 3 BOX 194F	PENSACOLA 32504
* DONALDSON, D&J	JEANNE & DONNIE'S PET PARLOUR	904 SEARSTOWN PLAZA	ROCKLEDGE 32955
* DOUGLAS, S & ENGLER, W	MARLOT BREEDINGS FARM	RT 5 BOX 130 A1	ORLANDO 32807
* DOWNS, MO	SPRING HILL KENNEL	R 5 BOX 88A	QUINCY 32351
* ELDER, KW		109 E KENDALL BLVD	AVON PARK 33825
* EVERGLADES HUNTING RANGE INC		2101 NE 63RD ST	FT LAUDERDALE 33319
* FL MONKEY SANCTUARY, INC.		PO BOX 1357	VENICE 33595
* FLORIDA ALLIGATOR FARM		RT 1 BOX 236	CALLAHAN 32011
* FLORIDA REPTILE LAND		RT 1 BOX 312	LAWTEY 32058
* FTF		PO BOX 1321	BRADENTON 33506
* GATORS OF MIAMI INC		5500 NW 74TH AVE	MIAMI 33166
* GEIGER, JW & CB		1110 GEIGER CEMETERY RD	ZEPHYRHILLS 33599
* GILLER, LA		5365 SW 76TH AVE	DAVIE 33328
* GLOBAL FISH IMPORTS		3550 NW 189 ST	MIAMI 33055
* GRANBERRY, HM&RE	ANIMAL KINGDOM	PO BOX 225	WINTER PARK 32790
* GRAY, CB	PETLAND CLEARWATER	1854 A US L9N	CLEARWATER 33515
* GREENBERG, L	PURR-FECT PETS OF S FLORIDA	4651 SW 163 AVE	FORT LAUDERDALE 33313
* GRODZINSKI, E	HIDDEN ACRES RABBITRY	RT 4 BOX 380	OCALA 32670
* GROUT, FW&JA	GROUT'S PET SHOP	2900 30TH AVE N	ST PETE 33713
* HAND, L	VANISHING SPECIES	RT. 2 BOX 20	TRENTON 32093
* HARRIS, E	TAILS & SCALES	1035 HIGHLAND AVE	LARGO 33540
* HATFIELD, KI&JC	EXOTIC FELINE FARM	1991 SW 136TH AVE	DAVIE 33325
* HEROLD, WL	DAISY'S PET CENTER	PO BOX 8097A	ORLANDO 32856
* HORTON, D		RT 1 BOX 184A3	BUNNELL 32010
* HOUSE OF HAMSTERS		282 NW 2ND ST	DEERFIELD BEACH 33441
* HUDSON, KW & KENNY, RA	THE CRITTER SHOP TOO	1206 E. BUSCH BLVD.	TAMPA 33609
* HUDSON, KW&KENNY, R	THE CRITTER SHOP	3407 HENDERSON BLVD	TAMPA 33609

FLORIDA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* INTERNATIONAL FINS, INC		3040 SW 4TH AVE	FT. LAUDERDALE 33315
* JOHSTON, B		PO BOX 186	ELLENTON 33532
* JULIAN, LL	STUART PET CTR	BOX 815	PALM CITY 33490
* KELLY, KC	KEL FARM	RT 1 BOX 106A	ALACHUA 32615
* KINDT, CR	EXOTIC CATS AND CROSSBREEDS	18055 DUBOIS RD	JUPITER 33458
* KOOSTRA, W & E	KOOTOY KENNELS	RT 7 BOX 634	TAMPA 33615
* L.D. PUPPY SHOP, INC.		4315 N.W. 7TH ST. SUITE 21	MIAMI 33126
* LANGIERI, BM	RBC RANCH	9065 S TAMIAMI TRAIL	VENICE 33595
* LARAKIS, A		INGHAM RD BOX 22 RTE 1	NEW SMYRNA BEACH 32069
* LAYMAN, L		190 SUNSET DR	CASSELBERRY 32707
* LIBBY, SR., R & I		5600 OGDEN AVE	ORLANDO 32810
* LIGHTSEY CATTLE CO		RT 1 BOX 345	LAKE WALES 33853
* MAGRAY, D		6710 NW 7TH COURT	MARGATE 33063
* MARSH, J	HAPPYLAND PET SHOP	RT. 1 BOX 28	FT PIERCE 33450
* MARTINEZ, L		4301 NW 7 ST.	MIAMI 33126
* MCAULEY, RL	ROGER'S PET PARADISE	2711 SO MACDILL AVE	TAMPA 33609
* MCBRIDE, D & BULLINGTON, J	SUE-LEE RABBIT RANCH	2751 SUNSET BLVD	NAPLES 33942
* MCMAHON, H	PEGGY'S RABBITRY	RT 3 BOX 555	FORT MCCOY 32637
* MIAMI RARE BIRD FARM INC		189 CARIBBEAN RD	NAPLES 33940
* MITCHELL, L	MERRY-U-RANCH	5991 NW 24TH CT.	MARGATE 33063
* NEELD, A	SNAKE PIT	5507 ALTA ST.	JACKSONVILLE 32208
* NELSON, R		4800 NW 5 CT	PLANTATION 33317
* NOELL, RM & AM	NOELLS ARK CHIMPANZEE FARM & E TC	PO BOX 396	TARPON SPRINGS 33589
* PARAMOUNT AQAU PETS/PRODS INC		5452 JET VIEW CIRCLE	TAMPA 33614
* PARROTT, JD & HATFIELD, K T	EXOTIC FELINE FARM	2455 NE 184 TERR	MIAMI 33160
* PET BIRDS INC		7223 NW 43ST	MAIMI 33166
* PET FARM INC	BLUE RIBBON PET FARM	7330 NW 66ST	MIAMI 33166
* PET HAVEN, INC.		3321 N FED HWY	POMPANO BEACH 33064
* PET PAVILION II		7378 LAKE WORTH RD	LAKE WORTH 33463
* PET RANCH OF AMERICA		145 E. MERRITT AVE.	MERRITT ISLAND 32952
* PINTO, A		1615 NW 30TH AVE	MIAMI 33125
* POWELL, GD		621 PLUM ST. SOUTH	ST. PETERSBURG 33707
* R&R MARTIN CORP	EXOTICS UNLIMITED	7705 NW 36 AVE.	MIAMI 33147
* RAY SINGLETON & CO		PO BOX 248	RIVERVIEW 33569
* RESEARCH LIVESTOCK LABS, INC		PO BOX 1643	NORTH MIAMI 33161
* REYNOLDS, S & SANDERS, V	FRANK'S GERBIL FARM	RT 6 BOX 248-Y	PLANT CITY 33566
* RICE, L	BOB'S PUPPY CENTER	2945 N. EDGEWOOD	JAX 32205
* RIDER, JR. VD		RR 2 BOX 515	BROOKSVILLE 33512
* ROBERTS FISH FARM, INC.		PO BOX 650038	MIAMI 33165
* RODRIGUEZ, D		12700 SW 194 AVE	MIAMI 33187
* ROSS, WS & HODGKINSON, SA	HAMSTERVILLE OF ORLANDO	3832 MILFORD AVE	ORLANDO 32809
* ROTH, R	ANIMALS OF DISTINCTION	RT 4 BOX 241	FT PIERCE 33450
* SIGNOVELLI, NH		12200 SW 46TH ST	MAIMI 33175
* SIMON, NJ		5480 SW 118TH AV	MIAMI 33165
* SLOCUM, II, BR & L	DBA QUALITY BIRD COMPANY	6950 NW 70TH ST	MIAMI 33166
* SMITH, JR, DC	SHANK'S PET LAND	RT 1, BOX 380	ARCADIA 33821
* SMITH, R	AAA BOARDING KENNEL/PET CNTR.	10787 OAK ST. NE	ST. PETERSBURG 33702
* SMITH, RH		PO BOX 156	OBRIEN 32071

FLORIDA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SOUTH AMERICAN PRIMATES, INC		PO BOX 970768	MIAMI 33157
* SPINOSO, PJ		4215-53RD AVE N	ST. PETERSBURG 33714
* STEWARD, A		5750 SW 100 AVE	DAVIE 33314
* STEWART, B	RAINBOW KENNELS	RT 1 BOX 127A	DOVER 33527
* SWEET, K		5350 JOHNSON RD RT 1 BOX 308	POMPANO BEACH 33067
* TAMPA LIVESTOCK DISTRIBUTORS, INC		PO BOX 22007	TAMPA 33622
* TATE, HB & JA	TATE KENNELS	2838 HOFFNER RD.	ORLANDO 32809
* THE PET CORNER, INC.		1289 NW W 40TH AVE	LAUDERHILL 33313
* TROPICAL ANIMALS DIST, INC		156 N.W. 37TH STREET	MIAMI 33127
* WARD, M	GARDENVILLE SMALL STOCK FARM	RT 3 BOX 337	RIVERVIEW 33569
* WEST, J & C	PET CIRCUS CO	1086 NE 33ST APT 8	OAKLAND 33334
* WHITE, M	BAUTA RABBITS	550 VALENCIA AVE. APT 8	CORAL GABLES 33134
* WOLF, R	JOY'S PETLAND	56 S EDISON MALL SHOPPING CTR	FORT MYERS 33901
* WONDERLAND FOR PETS INC		16756 SOUTH DIXIE	MIAMI 33157
* ZITO, JJ	TIGER PARK	RT. 1 BOX 345A	LAKE WALES 33853

GEORGIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BRIDGES, BJ		RT 1	ROCKY SPRINGS 30739
* BURCH, RE		R 1 REX ROAD	STOCKBRIDGE 30281
* COOK, WL		5250 MACLAND RD RT 1	POWDER SPRINGS 30073
* CRAWFORD, JW	WHITE CLIFF RABBITRY	RT 2 BOX 110A	CARLTON 30627
* DAVIES, H		PO BOX 107	STOCKBRIDGE 30281
* DUGGER, JR,, DR	DUGGER'S RABBITRY	4571 SCARBROUGH RD	COLLEGE PARK 30349
* GILREATH, C & H	THE CIRCLE (G) RABBIT RANCH	RT. 1 BOX 486	MONROE 30655
* GOOD, SR., JK & HV	GOOD'S ENTERPRISES	PO BOX 4038	TALMO 30575
* HURST, RH		RT 3	CAIRO 31728
* LAWTON, M		PO BOX 116	MOUNTAIN CITY 30562
* MARTIN, EB		RT 3 BOX 47	FLOWERY BRANCH 30542
* PHILLIPS, GO		RT 1 BOX 1180	TENNILLE 31089
* PICKELSIMER, LD & C	FT MOUNTAIN GERBIL RANCH	R 1 BOX 28	CHATSWORTH 30705
* POSS, RC		410 E BROAD ST	SPARTA 31087
* ROGER, RD & ME	ROGERS RABBITRY	RT 6 BOX 417	EASTMAN 31023
* STANLEY, K&V		RT 1 BOX 29	CHATSWORTH 30705
* TUCKER, G	TUCKER'S KENNEL	PO BOX 406	TIFTON 31794

IDAHO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ADAMS, C & E	A&K LAB ANIMALS	2215 N 8 ST	COEUR D'ALENE 83814
* FERDINAND ZOO & ANIMAL FARM, INC.		PO BOX 303	NAMPA 83651
* LEWIS-CLARK ANIMAL SHELTER INC		PO BOX 804	LEWISTON 83501
* MEEKS, E&V		RT 2	POST FALLS 83854
* MULLIGAN, E&D	SAWTOOTH & CASTLEFORD KENNELS	RT 2 BOX 271	JEROME 83338
* NOBLE, C	NOBLE KENNELS	RT 4	RUPERT 83350
* VANDER SLOOT, M	VANDER SLOOT KENNELS	H.C.R. 68 BOX 160	COCOLALLA 83813
* WHITE, J&G	WHITE'S WABBIT WANCH	BOX 193	KOOTENAI 83840
* WYCKOFF, E	WYCKOFF KENNELS	7016 HILL RD	BOISE 83703

ILLINOIS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLEN, J			NIOTA 62358
* ANIMAL WORLD INC		7525 N HARLEM AVE	NILES 60648
* APPLEBY, AL	AA CATTERY	BOX 99 404 W MYRTLE ST	ELIZABETH 61028
* ARCHER, L&J		16910 CICERO AVE	TINLEY PARK 60477
* ARK PET CENTER		5753 N CLARK	CHICAGO 60660
* BADER, J & E			SCALES MOUND 61075
* BALGEMANN, DE & WONG, MWK	NATURE-LIFE CO	954 COOKANE AVE	ELGIN 60120
* BAMBOO PET SHOP, INC.		125 W JEFFERSON ST	JOLIET 60431
* BARTELHEIM, VH	BARTELHEIM RABBITRY	RR 1 BOX 26	MURRAYVILLE 62668
* BARTLETT, JW		RR 1 BOX 54	SPRINGFIELD 62707
* BATTLES, D&M	WHITE OAK KENNELS	RR 3	VANDALIA 62471
* BEAN, GE & HK	JER-ELEN KENNELS	ROUTE 7	MT VERNON 62864
* BELLESS, S	SANDIES PETLAND	BOX 267	LIVERPOOL 61543
* BENNETT, WR & VJ	HILLTOP KENNEL	14317-139 AVE. COURT W.	TAYLOR RIDGE 61284
* BERNETT, DW		RR 1	MAHOMET 61853
* BOEBEL, FW	SLEEPY HOLLOW KENNELS & CATTERY	RT 2 BOX 73	MUNDELEIN 60060
* BOEHM, G	GMR CAVIES	31 PINE TRAIL	FAIRVIEW HTS 62208
* BOHLEN, M	MAE JEAN POODLE TOWNE	201 W 6TH NORTH ST	MT OLIVE 62069
* BONER, RS	BONER'S KENNEL	R2 BOX 66	CREAL SPRINGS 62922
* BRABENDER, A	BRABENDER SMALL STOCK FARM	R 2 BOX 327-B	ANTIACH 60002
* BROWN, RM		R2 BOX 206	NORRIS CITY 62869
* BURDICK, WE	BURDICK'S KENNEL	RR 2	OMAHA 62871
* BUSHMAN, DH & B	DOG PATCH	BX 121 RT 1	MILLEDGEVILLE 61051
* CALFEE, R & IWANAGA, T	FISH ETC	1325 W BELMONT	CHICAGO 60657
* CASTIGLIA, LR	NORTHERN AIRE FARM	502 N SMITH ST	PALATINE 60067
* CHAPMAN, W	CHAPMAN'S KENNELS	BOX 132	COELLO 62825
* CITRONA, AJ	HE & SHE PET SHOP	21 W 304 E HIGHLAND DR	LAKE ZURICH 60047
* COCHRAN, J	JOAN COCHRAN KENNELS	1018 E NORTH AVE	OLNEY 62450
* CONSOLIDATED PET SUPPLY, INC		956 W. HURON	CHICAGO 60622
* COOPER, G	COOPER'S CONTINENTAL CAINES	RT 3 BOX 238	PALATINE 60067
* CREIGHTON, JC		1563 MCKNIGHT ST	GALESBURG 61401
* DALE, DM	DALE'S KENNEL	R 1 BOX 159	MACEDONIA 62860
* DALEYS SMALL ANIMALS		475 WESTMORE RD	DES PLAINS 60016
* DANIELS, EJ	DANIELS KENNELS	RR 2	COLCHESTER 62326
* DAY, A	DAY S KENNEL	221 N 5TH ST	GREENVILLE 62246
* DEBOLT, MD		BOX 9	STEWARDSON 62463
* DOBILL, JM		RR #2	VALMEYER 62295
* DRENDEL, RL	R&P RABBITRY	4838 COLUMBIA AVE	LISLE 60532
* ECHTERNKAMP, FW		R 4	QUINCY 62301
* EWING, J & CONNORS, J	HOME PET CENTER	5201 N MILWAUKEE	CHICAGO 60630
* FEWELL, D&M	MERRY DAWN KENNEL	RR 2	MINONK 61760
* FOSDYCK, D	DAVE'S MOUSE HOUSE	BOX 494	COLCHESTER 62326
* FRITCHIE, D	FRITCHIES KENNEL	105 E MAIN	BIRDS 62415
* FURR, W&M	FURR'S KENNEL	BOX 28	SCIOTA 61475
* GAJEWSKI, T		RR 1	WOODLAWN 62898
* GARLISCH, AW		1320 E HIGGINS RD	ELK GROVE VILLAGE 60007
* GAUL, RA	WORTH ANIMAL	5301 W 95TH	OAKLAWN 60453
* GENERAL FOODS CORP.		RR 3	ST ANNE 60964
* GERHARDT, G&S	HAPPY HILL KENNEL	RR BOX 18	NIOTA 62358
* GREGORY, EJ	GREGORY KENNEL	R 1	BLUFORD 62814
* HALE, R		1340 WALNUT	CARTHAGE 62321

ILLINOIS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HALL, J	JO-LU'S PETS	804 W. MORTON AVE.	JACKSONVILLE 62650
* HANNA, E	TROPICAL TREASURES	3842 W. 147TH ST.	MIDLOTHIAN 60445
* HARVEY, J	ECHO VALLEY DANES	RR 4	MARSHALL 62441
* HAYES, JK & MA	HAYES'S KENNEL	RT 1	ROCHELLE 61068
* HENDRICKSON, S	HENDRICKSON'S RABBITRY	RT 1 PRAIRIE HILL RD	SOUTH BELOIT 61080
* HICKMAN, D&B		RT 1 BOX 139	STEWARDSON 62463
* HOCHMUTH, W	SUBURBAN PET CITY	6343 W CERMAK	BERWYN 60402
* HODGE, IO	HODGE'S KENNEL		BELKANAP 62908
* HOFFMANN, L	HOFFMANN RABBIT FARM	R 1 BOX 37	ALGONQUIN 60102
* HOLMES, HN	GUNSMOKE KENNELS	1541 E LAKE DR	SPRINGFIELD 62707
* HUTCHINS, A		RT. 8 BOX 328	DECATUR 62522
* IMRODEN, H	COUNTRY ROAD KENNELS	RT. 3	ROBINSON 62454
* INDUSTRIAL BIO-TEST LABS, INC	WEDGES CREEK RESEARCH FARM	1300 EAST PERSHING RD	DECATUR 62526
* INLAND SEAS INC		851 W. DUNDEE RD.	WHEELING 60090
* INTERNATIONAL SCIETIFIC INDUSTRIES, INC		P O BOX 9	CARY 60013
* ISAACS, B&A	ISAACS RABBITRY	202 N WELCH ST	HILLSBORO 62049
* ISAACS, TE	ISAACS LAB STOCK	1011 N WALNUT	LITCHFIELD 62056
* JACKSON, L	JACKSON KENNEL	R 4	MACOMB 61455
* JOHNSON, H	HILLCREST KENNEL	R2	BUNCOMBE 62912
* JOHNSON, R	HARDROCK GAME FARM	RR 4 BOX 248 NIMTZ RD.	ROCKFORD 61111
* JOHNSON, V & J	JOHNSON'S HOUSE OF GUINEA PIGS	1522 E PIERCE	MACOMB 61455
* JOHNSTON, O	GREEN ACRE PETS	RR 4	CARLINVILLE 62626
* JONES, OA	JONES KENNELS	RR 1	FOWLER 62338
* JURY, K	GOODMAN KENNELS	620 S. BURCHARD	FREEPORT 61032
* KAISER, H		RR 3 BOX 130	PANA 62557
* KEIRN, RJ	POLLARD RABBITRY	PO BOX 222	HURST 62949
* KELLEY, JA & D	KELLEYS RABBITRY	RR 4	MARSHALL 62441
* KESLER, M	KELS-RU KENNELS	1007 E NORTH AVE	OLNEY 62450
* KIEFER, F		709 ST ANTHONY ST	EFFINGHAM 62401
* KILL, MF		RR 2	LIBERTY 62347
* KOUKOL, A&S	LUCKY SHAMROCK KENNEL	RR 3 BOX 83	ELGIN 60120
* KRAUSE, RC&MC	NOAH'S ARK PET CENTERS	2430 EAST OAKTON ST	ELK GROVE 60007
* KRUMWIEDE, NE	ROBIN KNOLL KENNEL	RT 4 BOX 303	ELGIN 60120
* KUHN, LV		25243 NAPERVILLE RD	243 NAPERVILLE RD
* LEBECK, R	LEBECK KENNELS	RR 1	STRONGHURST 61480
* LEMEN, Y&C	COUNTRY KENNELS	2420 W MACON	DECATUR 62522
* LEWIS, CE		1003 1ST AVE	MENDOTA 61342
* LOMAX, G			OPDYKE 62872
* MACMILLAN SCIENCE CO., INC		8200 SOUTH HOYNE AVE	CHICAGO 60620
* MARKS, DJ & WINSOR, M & P		3311 W. DICKENS	CHICAGO 60647
* MASON, VL	MASON'S PUPPYLAND	PO BOX 278-208 WOOD LANE	HUTSONVILLE 62433
* MCKAY, MM	COLONIAL KENNELS	R L BOX 34A	QUINCY 62301
* MCKINZIE, R&E	MCKINZIE KENNELS	ROUTE 7 BOX 136	CENTRALIA 62801
* MCMURTREY, G		RR 1	POCAHONTAS 62275
* MCNABB, E	MCNABB KENNEL	PO BOX 376	ROBINSON 62454
* MCWHORTER, M	WILDWOOD KENNELS	RR 1 BOX 173	MAKANDA 62958
* MEYER, MRS. WM.	THE PET SHOP	1914 GRAND AVE.	WAUKEGAN 60085
* MIDWEST AQUARIUM, INC.		639 NORTH THOMAS DR.	BENSENVILLE 60106
* MILLER, P		23321 261 ST. N.	CORDOVA 61242
* MOORE, FH & M		RT 3	CHAMPAIGN 61820

ILLINOIS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MOSSMAN, L		BOX 547	RIDGWAY 62979
* MOTSINGER, R	MOTSINGER KENNELS	RR 2	ST JOSEPH 61873
* MUFLLER, R		301 N SPRUCE	STEWARDSON 62463
* MUNTZ, DK	DONS BAIT AND BUNNY FARM	RR 1 BOX 270	CARROLLTON 62016
* MYERS, EA		RR 2 BOX 93	CARMI 62821
* NEUMANN, B		R 2	GREENVILLE 62246
* O'HARE TROPICAL IMPORTS, INC.		10915C FRANKLIN AVE	FRANKLIN PARK 60131
* OAKLEY, MW	OAK_EYS' KENNELS	R 4, BOX 169	GREENVILLE 62246
* OLTMAN, R	OLTMANS KENNEL	RT 1	MINONK 61760
* PARRISH, L	SUNDOWN KENNELS	RR 1	NAUVOO 62354
* PAWLEY, R	ZOOLOGICAL CENTER, INTERNATIONAL	15W506 W 63RD	HINSDALE 60521
* PENCE, C		611 E TREMONT ST	HILLSBORO 62049
* PEPPER, MM	PEPPERIDGE ZOO FARM	RR 2	DANVILLE 61832
* PHILLIPS, T	PHILLIPS SALE CO	RR 1	GOOD HOPE 61438
* PTAK, L&M&V	THUNDERBIRD CAVIARY & RABBITRY	1623 ARDMORE AVE	GLENDALE 60137
* RAPP, C	RAPP'S SNOW WHITE ESKIMOS	RT 1	BLUFORD 62814
* REED, RC		RT 2 BOX 186	TOLEDO 62468
* RESEARCH INDUSTRIES CORP		P.O. BOX 128	MONEE 60449
* RICHARDS, JA		311 AVONDALE	CHAMPAIGN 61820
* ROSS, JA & TD	PETS OF THE WORLD	601 COOPER ST	ELGIN 60120
* ROWE, RA&BD	ROWES RABBITRY	6380 N GUN CLUB RD RT 3	MORRIS 60450
* RUNQUIST, C	BEAR CREEK RANCH	R 2 BOX 178A	MENDON 62351
* RUSSELL, H		RR #1	BUNCOMBE 62912
* SANCHEZ, B	REN'S PUPPYLAND	405 REEDER ST BOX 644	ELBURN 60119
* SANDERS, BJ	TIPTOP KENNEL	RT 2	MULKEYTOWN 62865
* SARGENT-WELCH SCIENTIFIC CO.		7300 N LINDER AVE	SKOKIE 60077
* SCHAFER, AM	SCHAFERS KENNELS	303 S WARD ST	BENTON 62812
* SCHLUMPF, HW	P E T LTD	2232 W WINNEMAC	CHICAGO 60625
* SCIENTIFIC SMALL ANIMAL LAB & FARM INC		401 W GOLF RD	ARLINGTON HEIGHTS 60005
* SHORT, M		PO BOX 712	MT VERNON 62864
* SIKKEMA, C	TLC PUPPY NURSERY	BOX 183	LYNDON 61261
* SIKKEMA, L&D	PUPPY LOVE ACRES	RT 2	WALNUT 61376
* SMITH-DOUGLASS DIV BORDEN CHM		RR 1	ELGIN 60120
* SMITH, CF & WOODWARD, R	B & G KENNELS	BOX 411	SIDNEY 61877
* SMITH, P	KAMP KREEK KENNEL	RR 4	MACOMB 61455
* STALEY, PG	CEDAR LANE KENNELS	RT 2	ROBINSON 62454
* STEFFEN, D		RT 3	EFFINGHAM 62401
* STEINMETZ, CB	PAL-PUG-PAD	BOX 205 409 WEST OAK ST	PALMYRA 62674
* SUTTON, A			LYNDON 61261
* THOMAS, L&R			STRASBURG 62465
* THOMPSON RESEARCH FOUNDATION		PO BOX 128	MONEE 60449
* TOMS, SJ	TOMS KENNEL	RR 2	BENTON 62812
* VALSTAD, A	VALSTADS PET RANCH	RT. 3	CARROLLTON 62016
* WALLACE, JT	LONESOME JACK KENNELS	RT 1 BOX 136	MARSHALL 62441
* WARREN, LN		PO BOX 125	PANA 62557
* WARSAW COON HUNTERS ASSOC			WARSAW 62379
* WATSON, R		EICKELBERRY ST	CISNE 62823

ILLINOIS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* WEBER, J&K	JEWEL-KEN KENNEL	RT 3 BOX 210	RED BUD 62278
* WHITE, G		RT 4 BOX 460	MARION 62959
* WOLFF, MB		RR 2	FLORA 62839
* WOODS, E		1607 PICKFORD	ROBINSON 62454

INDIANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BANE, G		BOX 154	MEDORA 47260
* BAUER, H		PO BOX 92-14577 IRELAND RD	MISHAWAKA 46544
* BOND, JF	JIM'S TOY KENNEL	RR 1 BOX 449	NASHVILLE 47448
* BOTKIN, M		RR 1	SELMA 47383
* BROOKING, M		RR 17	BEDFORD 47421
* BROWN, LA		501 N. KIMBLE DR.	BLOOMINGTON 47401
* CARVER, L	CARVER KENNELS	RR 12 BOX141	BEDFORD 47421
* CLARK, OE		228-400 E	DANVILLE 46122
* COBB, S	DOG CITY, USA	1410 E 153RD AVE	CROWN POINT 46307
* COVAL, D & M	PIN OAK FARM	RR 3 BOX 293	SHERIDAN 46069
* COX, R&J	D&J KENNEL	P.O. BOX 335	WESTPORT 47283
* DEMAREE, JT	PET FARMS	RR 1 BOX 66	MADISON 47250
* DENNISTON, K	LAWRENCE COUNTY KENNELS	RR 17 BOX 562	BEDFORD 47421
* DEWEES, M	WESTSIDE AQUARIUM	627 LOUISE ST	ANDERSON 46011
* ENGLE LABORATORY ANIMALS, INC.		RR 2 BOX 201-A	FARMERSBURG 47850
* ESSIG, MK		R2	NOBLESVILLE 46060
* FIELDS, A	FIELDS KENNELS	RR 3	PORTLAND 47371
* FISHER, B		RR 1	SHIRLEY 47384
* FLINT, L & BOOTH, J	CLIFTY ACRES ZOO FARM	RT. 5 BOX 143	MADISON 47250
* GREINER, J&M		RT 2	CONNERSVILLE 47331
* GUEBEL, VJ		RR 1 BOX 109	HAUBSTADT 47639
* HARRELL, A		RR 17	BEDFORD 47421
* HARTINGER, B		1111 WEST MAIN ST	MADISON 47250
* ILIFF, LE	ILIFF FARMS	RR 5 BOX 257	PORTLAND 47371
* IRVING, CC	IRVING GAME FARM	RR 6	GREENFIELD 46140
* JOHNSON, M&D	JOHNSON BUNNY RANCH	R 1	WILKINSON 46186
* KEPNER, L		RT 3 BOX 235A	DANVILLE 46122
* KUIPER, G	KUIPERS RABBIT RANCH	5317 W 41ST ST	GARY 46408
* LACKEY, JC		101 N GLADSTONE AVE	COLUMBUS 47201
* MANN, HW		R2 VIENNA RD	WADESVILLE 47638
* MASTERS, MK	BITTER RIDGE KENNELS	RT 5 BOX 72	PORTLAND 47371
* MATHENS, RS		RT 2 BOX 238	BORDEN 47106
* MCVAY, J & BLEVINS, J	J&J GAME FARM	BOX 2	LAKE CICOTT 46942
* MIDWEST REPTILES & ANIMAL SALES INC		P.O. BOX 239	FT WAYNE 46801
* MODESITT, WR	NORTHSIDE KENNELS	RR 16 BOX 4	BRAZIL 47834
* MOOREFIELD, B	WOLF-A-DOG KENNEL	RT 8 BOX 340	HUNTINGTON 46750
* MORELAND, J		RR 24 BOX 288	TERRE HAUTE 47802
* MORRIS, BF		1215 VIRGIL BLVD	PRINCETON 47670
* MURPHY BREEDING LABS., INC.		RR 3 BOX 445	PLAINFIELD 46168
* PARKE, RA		RR 2 BOX 233	GREENFIELD 46140
* RIEDEL, L		RT 8 BOX 183	GREENSBURG 47240
* SCHNEPP, RE	LAZY S KENNELS	RR 5	DECATUR 46733
* SEARS, AG	ALAS RIVER SIDE KENNEL	RT 1 BOX 50	WILLIAMS 47470
* SEARS, E	FROSTY ROSE KENNEL	RR 12 BOX 337	BEDFORD 47421
* SEARS, ER	HIGH PLATTE KENNEL	RR 12 BOX 337	BEDFORD 47421
* SEFTON, M		RT 3 BOX 345	GREENSBURG 47240
* SEWARDS, B M	KY-LIN FARM	BOX 272 R 2	SPENCERVILLE 46788
* SMITH, GT		R 1 BOX 138A	GALVESTON 46932
* SMITH, MD		3750 W 97TH ST	CARMEL 46032
* STEVENS, S		R 17 BOX 363	BEDFORD 47421

INDIANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* STEWART, R	STEWART'S PET SHOP	1013 S WALNUT	BLOOMINGTON 47401
* STOUT, SR, RL	STOUT'S EXOTICS	PO BOX 2842	MUNCIE 47302
* THOMPSON, N&N	SPEEDWAY PET SHOP	3566 W 16TH ST	INDIANAPOLIS 46222
* TUMILTY, LL		505 N. CARVER ST	GREENSBURG 47240
* WHITE, TW		R 2	MITCHELL 47446
* WILBER, VA	SHAKANAW PETS	RR 4	ROCKVILLE 47872
* WILSON, DW	WILSON SMALL ANIMAL FARM	PO BOX 65	VINCENNES 47591
* WINDSOR, AS	WINDSOR BIOLOGY GARDENS	4399 E MOORE'S CREEK RD	BLOOMINGTON 47401
* WOOD, HB&MI		RR 4 BOX 450	ALEXANDRIA 46001
* ZENTZ, D	SILVER LAWN KENNELS	RR 2	NAPPANEE 46550
* ZOOK, HK	MAPLE HILL KENNEL	BOX 354	MORGANTOWN 46160

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* A & M KENNELS		BOX 217	VENTURA 50482
* ACKERMAN, L&K		115 N 5TH AVE	VILLISCA 50864
* AGANS, SD & WR		RR 2	CRESTON 50801
* ALLEN, D&P		RT 4	NEWTON 50208
* ALLSUP, AR		RT 2 BOX 83C	CHELSEA 52215
* ANDERSEN, D		RT 1	ELKHORN 51531
* ANDERSEN, ML		BOX 95	MARNE 51552
* ANDERSEN, S & J		RR 1	LUCAS 50151
* ANDERSON, CA		1017 W 31ST ST	SIOUX CITY 51103
* ANDERSON, D		RR 1 BOX 35	MT UNION 52644
* ANDERSON, MG		RR 1	DAYTON 50530
* ANDEWAY, I		RT 1	PLANO 52581
* ANDREASEN, J		RR 2 BOX 140	AUDUBON 50025
* ARCHER, LM		BOX 65	MINGO 50168
* ARENDS, M		RR 1	DIKE 50624
* ARENDS, T & M		RR 2 BOX 188	SAC CITY 50583
* ARKLAND, D&S	ARKLAND KENNEL	RR 2	ELDORA 50627
* ARNOLD, CW		RR 1	SHANNON CITY 50761
* ASHER, NL & ED	ASHER FARM KENNELS	RR 2	WAPELLO 52653
* ASK, D & M		RR 4 BOX 214	HARLAN 51537
* AUERBACH, L&ER		RT 1	LEWIS 51544
* AULT, K		21 CARTER LAKE CLUB	CARTER LAKE 68110
* BAIRD, BA		R 2 MORTON MILLS	VILLISCA 50864
* BAKER, D		RT 2	HARTLEY 51346
* BAUDLER, J			FONTANELLE 50846
* BECKER, W&C	BECKER KENNELS	RR 1	KNOXVILLE 50138
* BEDWELL, SL	BEDWELL'S BLIND KENNEL	RT 2	ST. CHARLES 50240
* BENDER, J&V	BENDERS 4 PAWS KENNEL	417 WILLIS	PERRY 50220
* BENTON, DG & RE		RR 3 BOX 49	GUTHRIE CENTER 50115
* BERKENBOSCH, D		RT 2	PRAIRIE CITY 50228
* BIEGHLER, R	ARTIC NOOK KENNEL	RT 4	INDIANOLA 50125
* BINNS, JL & DL	WAG-N-TAILS KENNELS	RR 5 HIWAY 69 N	OSCEOLA 50213
* BISSEN, K		RR 2	DUNLAP 51529
* BLACK, N	DOGGIE ROOM & GROOM	RR 1	AMES 50010
* BLACKFORD, E & A		RR 2	ST CHARLES 50240
* BLACKFORD, J		RT 1	INDIANOLA 50125
* BLACKMAN, RT		310 FIRST ST	LEWIS 51544
* BLANCHARD, W & SMITH, F	B & S KENNELS	228 CALIFORNIA AVE.	KEOKUK 52632
* BLANK, SL	SANDY'S PUPPY LUV	BOX 306 400 EDWARDS ST	EMERSON 51533
* BLANSHAN, CK		RR 1 BOX 137	SCRANTON 51462
* BOAT, DE & CM		RT 1	OTLEY 50214
* BOCKENSTEDT, HF		RT 1	EARLVILLE 52041
* BOHL, TJ	BOHL'S K-9 KENNELS	RR 2	LAKE MILLS 50450
* BOLL, R & AD		BOX 67	ARION 51520
* BOOCK, G & R		RR 1	HOLSTEIN 51025
* BOOKER, J	NISHNA RIVER KENNEL	RT. 2	ESSEX 51638
* BOSWELL, M & C		RT 4	CORNING 50841
* BOYSEN, M	BOYSEN KENNEL	RR 1	DANBURY 51019
* BRADLEY, M&D	DUSTY ROAD KENNEL	RR 1 BOX 224	WEVER 52658
* BRAND, CD		RT 3	NEWTON 50208
* BRANDHOF, L		RT 1	MITCHELLVILLE 50169
* BRANDHORST, JL		4105 MCKELLER RD	WATERLOO 50702
* BRANDT, FE & B	SNOPEKE KENNEL	BOX 637	WALNUT 51577

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BRANT, L		RR 1	GLIDDEN 51443
* BREUER, DM		BOX 123	SPERRY 52650
* BRIGHT, M	BRIGHT'S KENNELS		BOUTON 50039
* BRITTEN, H		RT 1	CRESTON 50801
* BROICH, PG		505 W 18TH	CARROLL 51401
* BROOKHART, G	CRAWFORDSVILLE KENNELS	RT 1 BOX 9	CRAWFORDSVILLE 52621
* BROSHAR, F	H POINT KENNEL		EXLINE 52555
* BROWN, AL	TIMBERLANE KENNELS	RT 1 BOX 166	OXFORD JUNCTION 52323
* BROWN, RP		RR 1	DOW CITY 51528
* BRYAN, R & B		109 SOUTH LINCOLN	NEW SHARON 50207
* BULTEN, J&C	JA-(LAR KENNELS	RR 4	CEDAR FALLS 50613
* BURG, LJ	BUR(KENNELS	BOX 69	BRIDGEWATER 50837
* BURK, FL		RR 1	HAMILTON 50116
* BURNETT, E		RR 2	KNOXVILLE 50138
* BURRESS, S		R 3	ALBIA 52531
* BUSSEY, M			BUSSEY 50044
* BUTIKOFER, R&R		BOX 236	CLERMONT 52135
* BUTTLER, TL		RR 1 BOX 125	GUTHRIE CENTER 50115
* BUZZETTI, DR R			ALDEN 50006
* CALDWELL, VM	BELLE TOWER KENNEL		MEDIAPOLIS 52637
* CAMERON, D&J	HOLLYLANE KENNELS	4425 WEST ST	SIOUX CITY 51103
* CAMPBELL, C			MT AYR 50854
* CAMPBELL, S		R 1	IRWIN 51446
* CAMPBELL, V	CAMPBELL COUNTRY KENNELS	RT 1	KESWICK 50136
* CARPENTER, DG		RR 2	MAXWELL 50161
* CASTEEL, T		1213 SOUTH 10TH	BURLINGTON 52601
* CHALMERS, J	JULIA'S FARM KENNELS	RT 5 BOX 106	IOWA CITY 52240
* CHALUPA, M		RT 1	WASHINGTON 52353
* CHANEY, S	SNO-HAVEN KENNELS	PO BOX 232	WALNUT 51577
* CHAPMAN, B & BLEIL, J			KINGSLEY 51028
* CHAPMAN, R&R	R&R KENNELS	601 NORTH SECOND	SEYMOUR 52590
* CHATFIELD, RA		RURAL ROUTE 2 BOX 258	KEOKUK 52630
* CHRISTENSEN, E&K		508 STATE ST	GUTHRIE CENTER 50115
* CHRISTY, RM		RR 6	OTTUMWA 52501
* CLARK, AM	CLARK'S KENNEL	401 WATERS ST	ALDEN 50006
* CLARK, C	CLARK'S KENNEL	RR 1	PROMISE CITY 52583
* CLATTERBUCK, M		RT 2	ANITA 50020
* CLAUSEN, D	BUNNY FARM	RR 2	POCAHONTAS 50574
* CLEVELAND, RW		P.O. BOX 109	LAKE VIEW 51450
* COCKBURN, RW&D		RT 1	CORRECTIONVILLE 51016
* CODDINGTON, L&A&B	BALTON KENNEL	RR 1	HASTINGS 51540
* CONDON, W	ACORN ACRES KENNELS	RR2	ESTHERVILLE 51334
* CONGER, D			OLLIE 52576
* CONNER, W & N		R 5 BOX 204	MT PLEASANT 52641
* CONRAD, EL&D	E L CONRAD & SON		KEOTA 52248
* COOPER, CS	COOPER KENNELS	PO BOX 117	MYSTIC 52574
* COOPER, WD		RURAL ROUTE 2	NORWALK 50211
* COX, M&S		RR 1	CONRAD 50621
* CRAVEN, D		BOX 201	OGDEN 50212
* CRAWFORD, DP			GRIMES 50111
* CRICHTON, M&R		RR 1 BOX 195	HORNICK 51026
* CROW, RI	DELTA KENNELS	RURAL	DELTA 52550
* CROZIER, LP	CROZIER KENNELS	RT 1	KNOXVILLE 50138

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CURRIE, JF&A		RR 1	SCHALLER 51053
* DAMON, D	DAMON'S KENNELS	RR 4	KNOXVILLE 50138
* DAVIS, R&J		RR 1 BOX 100A	BRONSON 51007
* DAVIS, VM		909 E HOWARD ST	CRESTON 50801
* DAY, DR		BOX 72	ALLERTON 50008
* DE BOER, J	DE BOERS DOG KENNELS		PRIMGHAR 51245
* DE BRUIN, O		RT 5	ALBIA 52531
* DE FOSSE, C		RR 2	MEDIAPOLIS 52637
* DEAN, AL		1810 LINCOLN	CEDAR FALLS 50613
* DEBOLT, RK	LLOYDS KENNELS	RT 1 BOX 4	NEOLA 51559
* DEBRUIN, M & B		RT. 2	OSKALOOSA 52577
* DEBRUIN, R & J	OAKVIEW GAME FARMS	RR 1	PRAIRIE CITY 50228
* DEETH, L		2106 WEST 4TH	PERRY 50220
* DELONG, R&L	ROLIN HILLS	RT 5	OSCEOLA 50213
* DESEMINA, NL	PRIMACANA KENNELS	3835-40TH	DES MOINES 50310
* DIERENFIELD, R		RR 3	STORM LAKE 50588
* DIRKS, D	K D KENNELS	RR 1 BOX 17	FONDA 50540
* DIXON, CM		RR 1	NODAWAY 50857
* DODD, D&R		RT 4 BOX 98	BOONE 50036
* DOLIESLAGER, G		1360 N. MAIN	SIOUX CENTER 51250
* DONAHUE, K		224 OAKS ST	NORTH ENGLISH 52316
* DOORNINK, W		RR 4	LE MARS 51031
* DOWNING, D & C		509 WEST 7TH ST	ADAIR 50002
* DOYEN, T & J		RR 1	MANSON 50563
* DRAPER, P		RT. 2	PRESCOTT 50859
* DREESZEN, F		RR 1	CUSHING 51018
* DUDLEY, WL	DUD-LEE'S KENNELS	RT 2	CRESTON 50801
* DUELING, JE		RT 1	ALLERTON 50008
* DUELING, R		RT 1 BOX 325	ALLERTON 50008
* DUGGER, B	DUGGER FUR FARM	RT 1	BARNES CITY 50027
* DUIT, AD		R 1 BOX 11	MONTICELLO 52310
* DUMKRIEGER, F&M		BOX 33	UTE 51060
* EADES, DM		RT 2	ANITA 50020
* EADES, PE		615 ONEIDA ST	STORM LAKE 50588
* EARLES, R	IOWA SMALL ANIMAL ENTERPRISES	1720 SO 17TH ST	FT DODGE 50501
* EBEL, R		228 S MICKLEY	PAULLINA 51046
* ECK, DA	SUGAR CREEK KENNEL	RR 1	MONTROSE 52639
* ECKHOFF, B		RR 1	SIBLEY 51249
* ECKLOR, P	MISTY MEADOW KENNELS	RT4	MARSHALLTOWN 50158
* EHLERS, D	LOVE FARM KENNELS	RR 1 BOX 181	MARATHON 50565
* EHLERT, D & M		RR 1	MONDAMIN 51557
* EISENBACHER, S		604 A AVE	ARMSTRONG 50514
* ELBERT, G			RODMAN 50580
* ELGERSMA, M	ELGERSMA PUPPY FARM		SANBORN 51248
* ELLIS, NJ		BOX 265 RT 2	OTTUMWA 52501
* ELLWANGER, R		BOX 148 RR 1 17TH ST	GRAND JUNCTION 50107
* ELSNER, A		615 ONEIDA ST	STORM LAKE 50588
* EMMONS, M & SCHLIENZ, S	BRIARCREEK KENNEL	RR 1 BOX 83	SOLON 52333
* ERICKSON, C & H	KALYN KENNELS	R 1	KELLEY 50134
* ERICKSON, R&S	ERICKSON KENNELS	RT 1	EMERSON 51533
* ERICKSON, WJ		RT #2	ESSEX 51638
* FALES, L	FALES KENNELS	BOX 278	ALBERT CITY 50510
* FARNUM, NR		RT 1	CARLISLE 50047

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* FAWCETT, J	CROSSVIEW KENNELS	RT 3	NEW SHARON 50207
* FERRISS, WJ	FERRISS WILD ANIMAL FARM	RT 1	TOLEDO 52342
* FINCH, A&D		RR 1	KELLY 50134
* FISHER, D	FISHER KENNELS	R 1 BOX 116	WEST POINT 52656
* FITZPATRICK, K	HI VU KENNELS	RT 2	DENISON 51442
* FLANAGAN, H		102 WEST 1ST ST	LEON 50144
* FORESMAN, R		RR 2	AUDUBON 50025
* FORMAN, D&M	AMIENS DOBERMANS	RR 1 BOX 227	BETTENDORF 52722
* FORTUNE, JL		RR 3	CHARITON 50049
* FOWLER, D		RR 1	CINCINNTI 52549
* FOX, CC		R 2	FOREST CITY 50436
* FOX, J	FOX S FORBOSH KENNELS	RT 3	CENTERVILLE 52544
* FOX, JR., F		RT 5	FOREST CITY 50436
* FRENO, TL	FRENO'S DOBES	69-36TH AVE SW	CEDAR RAPIDS 52404
* FUHRMEISTER, L		RR 2	IOWA CITY 52240
* FULLENWORTH, G	FULLENWORTH KENNEL		STORM LAKE 50588
* FUNDERMANN, J & J		RR 2	BATTLE CREEK 51006
* G T KENNELS		RR 1	SPENCER 51301
* GARDNER, MJ		R 2	DIAGONAL 50845
* GARNER, D		RT. 5	OSCEOLA 50213
* GARSIDE, L		RT 1 BOX 23	ANITA 50020
* GATES, R & P		2119 BOYD ST	DES MOINES 50317
* GIGLER, B	BARB'S KENNELS	RR	TITONKA 50480
* GIHRING, R	SHADY ACRES	RR 1	VINTON 52349
* GILBERT, H			KEOSAUQUA 52565
* GILMORE, BL		4090 NE 46TH	DES MOINES 50317
* GLASS, JL		RR 1	BROOKLYN 52211
* GLASS, RH		RR 1	MARSHALLTOWN 50158
* GODDARD, KA	K-9 INN'S KENNEL	BOX 4	ELWOOD 52226
* GOKEN, CJ		RT. 1 BOX 78	DYSART 52224
* GOOD, F&A		R 3	FT DODGE 50501
* GOODELL, S		BOX 124	MILLERTON 50165
* GOODEMOTE, BA		BOX 186 RT 1	STANTON 51573
* GOODWIN, BM		RR 2 BOX 122	GLIDDEN 51443
* GOODWIN,J		402 WOODMANESE ST	MACEDONIA 51549
* GOSCH, M & E	GOSCH'S K-9S	RR 2	IDA GROVE 51445
* GRADY, R&D	DEE'S KENNEL	RR 1 BOX 73	OTHO 50569
* GRAEVE, FH		RR 1	EARLING 51530
* GRAEVE, MA		RR 1	DEFIANCE 51527
* GRAY, JT & JA		RR 1	DUNLAP 51529
* GRAY, K, K&A	GRAY'S KENNELS	BOX 49	CLARINDA 51632
* GREEN, H		RR 1	PLANO 52581
* GREIMANN, RL			KELLERTON 50133
* GRIFFIOEN, B	GRIFFIOEN KENNELS	407 WYMAN	SHELDON 51201
* GRIFFITH, CE		RR 2 BOX 104	AUDUBON 50025
* GROTEWOLD, D		RR 2	LAKE MILLS 50450
* GRUENHAGEN, G		RT 2	WALCOTT 52773
* GUDE, J		RR 28	EXIRA 50076
* HAINLINE, H & AUGUSTINE, K		RT 1	CRESTON 50801
* HALL, H & H		RR 3	VILLISCA 50864
* HAMANN, E		RR 2	ROCK RAPIDS 51246
* HAMAR, NJ	DIAMOND H KENNEL	RT 2 BOX 430	LINEVILLE 50147

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HAMRICK, HM		RT 1	ACKWORTH 50001
* HANNY, R		601 WALKER ST.	WOODBINE 51579
* HANSEN, D&D	HANSEN KENNELS	RR 3	EXIRA 50076
* HARDIN, RD		BOX 13	GREENFIELD 50849
* HARDING, A		RR 4	OTTUMWA 52501
* HARDISTY, D		RR 3	CORNING 50841
* HARMAN, JR		RR	CORYDON 50060
* HARRINGTON, EF		RR 1	BLAKESBURG 52536
* HARRIS, R	Y-WYRE KENNELS		GRAND RIVER 50108
* HARRIS, S & D	WOODSIDE KENNELS	RR 2	WOODBINE 51579
* HATTON, D&J		RT 1 BOX 110A	CORNING 50841
* HAUF, L		508 NO DIVISION	STUART 50250
* HAUGE, D		RR BOX 62	HUXLEY 50124
* HAVICK, M		RT 1	SHELBY 51570
* HAYES, C & GRAHAM, C	WOLF POINT KENNEL	RR 1	ACKWORTH 50001
* HEADLEY, K&D		RR 1	ELLSWORTH 50075
* HEIMAN, J&R		RR 1	MANILLA 51454
* HENRY, BL		RT 2	LORIMOR 50149
* HENSLEY, DE		RT 2 BOX 20	LAMONI 50140
* HERRIG, M		RR 2	DENISON 51442
* HESS, K		307 S 7TH ST	DUNLAP 51529
* HESS, MJ		RT 1	WASHINGTON 52353
* HEUSER, L & C		RR 1	MANSON 50563
* HICKMAN, LR		103 STEELE	CORYDON 50060
* HIGHLAND, DE	HIGHLAND KENNEL	RT4 BOX 217	HARLAN 51537
* HIXENBAUGH, B	LAKEVIEW KENNEL		PLANO 52581
* HOAGLAND, L		BOx 318	SHANNON CITY 50861
* HOFBAUER, SL		R R #3 BOX 62	COON RAPIDS 50058
* HOLMES, DR	HOLMES ANIMAL FARM	RT 2 BOX 252	STORM LAKE 50588
* HOLST, C	CHAR-DU-KENNELS	RR 1	KEYSTONE 52249
* HOLST, L		BOx 10	BOUTON 50039
* HOLTORF, DR		RR	CALLENDER 50523
* HOLTZ, BJ	BOTNA VALLEY KENNELS	RR 2	AVOCA 51521
* HOMANDBERG, A			INWOOD 51240
* HOOVER, B		1408-13TH ST	MILFORD 51351
* HOOVER, FR		BOX 154	OTHO 50569
* HORMAN, C	HORMAN'S SUNNY DALE KENNELS	RT 3	PELLA 50219
* HOWARD, JM		RR 4	OTTUMWA 52501
* HUFFER, J		RT 1	ST. CHARLES 50240
* HUISMAN, D	HUISMAN AQUATIC'S	1404 HIGHWAY 60 S	SHELDON 51201
* HULL, ML			GIBSON 50104
* HUMMEL, CA		RT 4	WINTERSET 50273
* HUSSEY, R & D	WOODLAWN KENNELS	RR 2	ALTA 51002
* IRVING, D		RR 1	CHARITON 50049
* JACOBSON, A&J		RR 1	LAKE MILLS 50450
* JAMES, C&E		RT 2	LINEVILLE 50147
* JAMES, E		RT, 1	MALVERN 51551
* JANSEN, D		RT 1	SIOUX CENTER 51250
* JANSSEN, S		RR 2	LAKE CITY 51449
* JARVIS, JA		719 3RD AVE N	MT VERNON 52314
* JENNINGS, P		RT 1 BOX 183B	CHARITON 50049
* JENSEN, A		RT 2B	EXIRA 50076
* JENSEN, DL		RR 2	AUDUBON 50025

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* JORE, JA	BY-JOBE KENNELS & STABLE	BOX 281	TABOR 51653
* JOHNSON, EM		R 2	LORIMOR 50149
* JOHNSON, G		RR 1 BOX 49	SMITHLAND 51056
* JOHNSON, H & B	LEE BEE KENNELS	RR 4	GRINNELL 50112
* JOHNSON, J&J	JO & JONS KENNEL	206 W DES MOINES ST	ELDON 52554
* JOHNSON, KC		RR 2	ALBIA 52531
* JOHNSON, LR		1623 VICTORIA	HARLON 51537
* JOHNSON, T	JOHNSONS KENNELS	BOX 453	GRAETTINGER 51342
* JOHNSTON, LL	PINE KNOLL KENNEL	506 WEST STANFORD ST	JEFFERSON 50129
* JONES, NJ		RT 1	ACKWORTH 50001
* JUDGE, L	JUDGES KENNELS		MORAVIA 52571
* KAMERMAN, A			ORANGE CITY 51041
* KAMRATH, RM	KAMRATH KAT N KANINE KORNER	1115 CARRIAGE HILL DR	CLINTON 52732
* KANNEGIETER, CH		1103 GREY ST	APLINGTON 50604
* KAUFFMAN, H	KAUFFMAN KENNELS		WAYLAND 52654
* KAUFFMAN, J		BOX 114	WAYLAND 52654
* KELLEY, MM&RG	KELLEY'S KENNELS		KELLERTON 50133
* KELLY, B			CLARENCE 52216
* KENKEL, L & A		RR 2 BOX 73	HARLAN 51537
* KING, S		R 2	WEST POINT 52656
* KINNEY, DD		RR 2	DENISON 51442
* KINNEY, G & M	HORSE SHOE KENNELS	RR 1	LEWIS 51544
* KLABUNDE, M & K	CEDARWOOD KENNELS	RR 1	HONEY CREEK 51542
* KLASS, BJ	HI-KLASS KENNELS	RR 4	FT DODGE 50501
* KLEIN, Y		RR 4	HARLAN 51537
* KLOBNAK, V		BOX 178	HAMILTON 50116
* KNUDSON, M		RR 3	RED OAK 51566
* KOONTZ, OL & P	PAT-O-PAL KENNEL	RT 1	PROLE 50229
* KORDICK, H		RT 1 BOX 97	BRIDGEWATER 50837
* KOTT, J		5000 E 14TH ST	SIOUX CITY 51105
* KRABILL, A		RT 3	MT PLEASANT 52641
* KRAGE, S	PERRY VALLEY KENNELS	7410 PERRY CREEK RD	SIOUX CITY 51108
* KRAGELUND, M		RT 1	WIOTA 50274
* KRAMER, DL			FOSTORIA 51340
* KRAMER, J	KRAMER KENNELS	RT 5 BOX 147	OSAGE 50461
* KRAUSE, F	KRAUSE SUNRISE KENNEL		MASSENA 50853
* KRAUSE, R		RR 1	FENTON 50539
* KROGSTAD, P & J		P.O. BOX 88	ELK HORN 51531
* KROSCH, RF	KROSCHDALE KENNELS	RT 2	KINGSLEY 51028
* KROUGH, S		928 CEDAR ST	STORY CITY 50248
* KRUID, F			MAURICE 51036
* KRUID, G		BOX 108	IRETON 51027
* KRUSE, GM		R 1	SALEM 52649
* KUNZE, AM		RT 1	LEWIS 51544
* LAKE, DL		RR 2	GUTHRIE CENTER 50115
* LANG, JH & JL		502 N MARION AVE	WASHINGTON 52353
* LANG, R&C	LANG'S KENNEL	1816 E 12TH ST	DES MOINES 50316
* LANGEL, LV		RR 1	TEMPELTON 51463
* LANGSTRAAT JR, H		RT 1	OTLEY 50214
* LARSEN, C&D		RR 2	AUDUBON 50025
* LATTA, F		RT 1	MONTICELLO 52310
* LAURITSEN, S & S		RR 2	EXIRA 50076
* LAVERMAN, D & K		RR 1	SULLY 50251

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* LEAS, ND	LUTZHAUS KENNELS REG	5532 ASHWORTH RD	WEST DES MOINES 50265
* LEE, E	LEES KENNEL	106 LEE ST	SEYMOUR 52590
* LEINEN, JA & LJ	SUEBOB KENNELS	1125 S. STARK ST.	DAVENPORT 52802
* LEINEN, LJ	PARSOLISH KENNELS		HARPER 52231
* LEWISTON, TJ & DM	SANSTONE KENNELS	RR 1 BOX 128	CAMANCHE 52730
* LINDELL, J		RR 1	LENOX 50851
* LINK, NJ		RR 1	ACKLEY 50601
* LINMAN, B		RR 1	ARTHUR 51431
* LITTLE, LD		BOX 186	BARNES CITY 50027
* LIVINGSTON, H&S	WINCREST KENNEL	RT 2	INDIANOLA 50125
* LIVINGSTON, M&K		BOX 87	FARRAGUT 51639
* LLOYD, M	RIVERSIDE KENNEL	RR 1	COLFAX 50054
* LOTZ, GM & JC		RR 1	KIRON 51448
* LOYNACHAN, T		RT 3	CHARITON 50049
* LUNDQUIST, G		RT 1	CORNING 50841
* LUNDSTROM, D		BOX 311	SPIRIT LAKE 51360
* LYNCH, H		RR 1	W BRANCH 52358
* LYONS, W		RT 1	EXLINE 52555
* MADSEN, S		RR 1	AUDUBON 50025
* MARLIN, G	MARLIN WILD ANIMAL FARM	RT 1	CRESTON 50801
* MARSHALL, G		RT 8	BLOOMFIELD 52537
* MARTIN, JW	SHADY LANE KENNEL	RR 2 BOX 85	ROCKWELL 50469
* MAUDLIN, P			REDDING 50860
* MCCLAIN, A	MCCLAIN KENNELS		HARRIS 51345
* MCCOMBS, SD		RT 1	ACKWORTH 50001
* MCCOY, H&S	MCDES KENNEL	RT 2	DELMAR 52037
* MCCREARY, JA		RR 1	MT AYR 50854
* MCCULLOUGH, N		RT 2 BOX 71	MOULTON 52572
* MCDERMOTT, J	SWISS MOOR ST BERNARDS	RR 1	CHARLOTTE 52731
* MCDERMOTT, R		RT 2	ATLANTIC 50022
* MCDONALD, E		RT 2	ALBIA 52531
* MCGRANN, J		RT 1	MYSTIC 52574
* MCINTOSH, R&S	SANRON KENNELS		FARMINGTON 52626
* MCKAMEY, N		RR 1 BOX 185	BETTENDORF 52722
* MCNAIR, D&C	MCNAIR'S POODLES	RT 1 BOX 90	N LIBERTY 52317
* MEADE, HG		RT 6 LINDER LN	IOWA CITY 52240
* MEANS, V		BOX 241	CARBON 50839
* MEEVES, RE		RR 1	IDA GROVE 51445
* MEYER, A		70 ALLVIEW DRIVE	CEDAR RAPIDS 52404
* MEYER, K		RT 1	BRANDON 52210
* MICHAEL, FD		RT 2	ELKHART 50073
* MICHELS, S		RR 1	ROYAL 51357
* MILES, D & J		RR 2	IDA GROVE 51445
* MILLER, DW		RR #2	KEOTA 52248
* MILLER, JF & J		RR 1	DUNLAP 51529
* MILLER, L & B	MILLERS BAR LEO ACRES	BOX 284	MANSON 50563
* MODLER, R	RUAN'S KENNEL	RR 1 BOX 192	WALCOTT 52773
* MOELLER, S	SANDRELA'S KENNEL	R-2 BOX 32	WEST POINT 52656
* MOORE, JD		R 2 BOX 688	WAPELLO 52653
* MOORE, M		BOX 226 RT 1	CENTERVILLE 52544
* MORGAN, R & D		BOX 63	CASTANA 51010
* MORMAN, B		BOX 122	DAWSON 50066
* MORRISON, L		RR 1	GRAND RIVER 50108

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MORRISON, MC	MORRISON RABBITRY	RR 1	WEST LIBERTY 52776
* MORSE, AC		RR 2	MARION 52302
* MOULDS, SE	WESTROAD KENNEL	RR #1 BOX 31	LAKE CITY 51449
* MOWRY, MRS. S		PO BOX 23	CINCINNATI 52549
* MOYER, PL&RM		RT 1	PROLE 50229
* MUSEL, V&D		BOX 321	CHELSEA 52215
* NARIGON, AG	NARIGON RENE KENNEL'S OF PRESCOTT	BOX 184	PRESCOTT 50859
* NEALEY, CM		RR 2	DANVILLE 52623
* NEJDL, RN	LEDJEN HILLS KENNEL	PO BOX 1185	CEDAR RAPIDS 52406
* NELSON, D			LINN GROVE 51033
* NELSON, LD		800 NORTH ST	WALNUT 51577
* NICKELL, L		ROUTE 2 BOX 146	ALLERTON 50008
* NIENHAUS, M & R	DOGHAU KENNEL	RR 2 BOX 100	FT ATKINSON 52144
* NIKKEL, L		RR 1	SULLY 50251
* NORDBY, M&D		RT 1	KIMBALLTON 51543
* NORMAN, RE&CM	NAMRON KENNELS	RT 1A BOX 166	AFTON 50830
* O'BRIEN, D&M		RT 1	RUSSELL 50238
* O'BRIEN, SA		2647 AVE D	COUNCIL BLUFFS 51501
* OBERLOH, LL	EARLY DAWN KENNELS	RR 1 BOX 275	RINGSTED 50578
* OLDENKAMP, K&M	OLDENKAMP KENNELS	RR 2	ORANGE CITY 51041
* OLOMON, MM	BURR OAK KENNEL	RR 1 BOX 107	WEST POINT 52656
* OLSEN, GM		RR 3	AUDUBON 50025
* OVERTON, P			ALLERTON 50008
* OVIATT, RO & K	OVIATT KENNELS	BOX 47	MAGNOLIA 51550
* PAPLOW, B		RR 2	SIBLEY 51249
* PARDEKOOPER, B		RR	LINDEN 50146
* PATTEN, AB&E		RR 1	AUBURN 51433
* PEARSON, A		RR 1	SEYMOUR 52590
* PECOV, R & B		RR #1	ROCKWELL CITY 50579
* PELZER, LJ		RT. 2 BOX 140	GRISWOLD 51535
* PENNINGS, C			ORANGE CITY 51041
* PENNINGS, M			ORANGE CITY 51041
* PETERSEN, L		RT 1 BOX 15	KIMBALLTON 51543
* PETERSON, BW		RR #1	GLIDDEN 51443
* PETERSON, D & S		RR 4 VALLEY VIEW ACRES	CHEROKEE 51012
* PHILLIPS, BJ	B.J. KENNELS	RFD 1	ROSE HILL 52586
* PHILLIPS, LL		RR 2	CENTERVILLE 52544
* PHILLIPS, MK	PHILLIPS KENNELS	AIRPORT ROAD R #2	KEOKUK 52632
* PIERCE, R		RT 1	COLFAX 50054
* PILLING, DG			MEDIAPOLIS 52637
* PILOT GROVE KENNEL & SUPPLY INC		BOX 70	HOUGHTON 52631
* PLUMB, D	PLUMB KENNELS	ROUTE 1	HARLAN 51537
* POLDBERG, D & M		RR 2 BOX 66	HARLAN 51537
* PORTER, A		BOX 582	DAYTON 50530
* PORTER, B			CUMBERLAND 50843
* PORTER, FE		RR 2	LACONA 50139
* PRESLEY, L & R	PRESLEY'S KENNEL	RT 1	KNOXVILLE 50138
* PROKOP, J & J		117 WASHINGTON ST	ROCKWELL CITY 50579
* PULVER, R		RT 1 BOX 23A	RUNNELS 50237
* PURDUM, G&J		RT. 1 HWY. 14	NEWTON 50208
* QUALE, I		1438 E DUNKERTON RD	WATERLOO 50701

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* RANKIN, M		1454 E 21ST ST	DES MOINES 50317
* RED ROCK COON HUNTERS ASS N		RT 1	LACONA 50139
* REED, L	LE-RE KENNEL	RT 5 BOX 341	CHARITON 50049
* REED, M		RT 5	ALBIA 52531
* REICHARDT, D & B		804 16TH ST	CORNING 50841
* REIMER, H	REIMER KENNEL	ROUTE 1A	AFTON 50830
* REISER, R & A			ARION 51520
* REMILLARD, DS		RR #3	ALTA 51002
* RENAUD, K & M		RT 1	SULLY 50251
* REYNOLDS, R		RT 2	CARLISLE 50047
* RHOADS, L	RHOADS KENNEL		NUMA 52575
* RHODES, D	COURT HILL KENNEL	RT 2	OTTUMWA 52501
* RICE, JC		RR #5	WATERLOO 50701
* RICHARDSON, I	J&R KENNELS	RT 1	LINEVILLE 50147
* RICHEY, P&E	BULL CREEK KENNELS	BOX 31	CARBON 50839
* RICHTER, F		RR 2	NEWELL 50568
* ROBERTS, D		RT 4	CENTERVILLE 52544
* ROBERTSON, GL&KB	TURKEY CREEK KENNELS	R 1	ATLANTIC 50022
* ROBEY, L&J		RR 2	NEVADA 50201
* ROCKHOLD, M&V			ALLERTON 50008
* ROEGLIN, L	ROEGLIN KENNELS	R-2	KEOKUK 52632
* ROETMAN, G	COACHLITE KENNELS		HULL 51239
* ROSENTHAL, C&J	CHARLEY HORSE ACRES	RR 1	STORM LAKE 50588
* ROSSMANITH, H		RR 1	GOWRIE 50543
* ROUSE, W		RT 2	ALBIA 52531
* ROYCE, S		RR 1 BOX 122	GRAND JCT 50107
* ROYSTER, D&P	LAZY R KENNEL	RR 1	DUNCOMBE 50532
* ROZENDAAL, EA		RT 1	LYNNVILLE 50153
* RURY, LC		RR 3	NEW SHARON 50207
* RUDE, M&B	B&B BUNNY BARN	RR 1	ELLSWORTH 50075
* RUPP, DE		RT 2	CORNING 50841
* SANDERS, J			HOUGHTON 52631
* SANDERS, J&G	RAINTREE KENNELS	208 MAE ST BOX 1093	STORM LAKE 50588
* SANDERS, R&J		RT 1 BOX 538	COUNCIL BLUFFS 51501
* SAVAGE, D	CEDAR CROFT		SALEM 52649
* SCANLAN, DP		930 N CENTER ST	LAKE CITY 51449
* SCHAITEL, RC		RR 1 BOX 164	CLINTON 52732
* SCHENK, N	PUPPY VILLA	RR 1	SIOUX CENTER 51250
* SCHERBRING, EB		RT 2 BOX 118	EARLVILLE 52041
* SCHMIDT, CW & C	RIDGE KENNELS		IDA GROVE 51445
* SCHMITH, D		1214 MAPLE	HULL 51239
* SCHMITZ, T&N	T & A KENNEL	BOX 60	BROOKLYN 52211
* SCHOSSOW, DL		RT 1	LAURENS 50554
* SCHOTT, JR&TM	OAKRIDGE ACRES	RR 1 BOX 71	OTHO 50569
* SCHRADER, P & B	SCHRADER KENNELS	RR #2	BATTLE CREEK 51006
* SCHULDT, L		RT 1	VAN WERT 50262
* SCHULTZ, EE&JV	ALOHA ACRES KENNELS	RR 2 BOX 191	SAC CITY 50583
* SEA, J	SEA'S PRAIRIE JCT KENNELS	RT 2	HEDRICK 52563
* SEIVERT, E			SANBORN 51247
* SEYMOUR, MD		RT 2	DELMAR 52037
* SHADA, G & M	SHANSI KENNEL	RR 1	CENTER POINT 52213
* SHAFFER, B & WRIGHT, J		RT 5	MARSHALLTOWN 50158

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SHANNON, BJ	OAK RIDGE KENNELS	RT 2	SIGOURNEY 52591
* SHARP, B	B&B SHARP KENNELS	RT 2	CHARITON 50049
* SHARP, SL		RT 1	ARION 51520
* SHEETS, B	SNO-DRIFT KENNEL	RR 2	KELLOGG 50135
* SHEETS, VM&RF	CHARES KENNELS	RR 2	IOWA CITY 52240
* SHIELDS, E&E	SHIELDS KENNEL	RT 1 BOX 6	LOGAN 51546
* SHINKLE, F & A	SHINKLE COUNTRY ACRES	RT 3	CORNING 50841
* SHULL, RM & LM		RT 2 BOX 109	SAC CITY 50583
* SIEFKEN, E		RR 2	GILMORE CITY 50541
* SIMMONS, B & J	B & J KENNEL	RR 1 BOX 60	UNION STAR 64494
* SIMMS, E		RR 5	OSKALOOSA 52577
* SIMPSON, L	SIMPSONS TOY KENNEL	BOX 9441	SPIRIT LAKE 51360
* SKOW, L	YAN; TIEN KENNEL		MONTROSE 52639
* SMITH, DC & MM		2010 SE 61ST AVE	DES MOINES 50320
* SMITH, GK	WOLF HAVEN KENNELS	BOX 116	ROWAN 50470
* SMITH, K&M			WASHTA 51061
* SOLOMON, LD & C		RR 3	COLUMBUS JCT 52738
* SONDAG, G		BOX 147	BRANDON 52210
* SONKSEN, D		RR 1	LARRABEE 51029
* SORENSEN, EKM		RT. 2	COON RAPIDS 50058
* SPINA, BA	TU SHOW PEKINGESE & SHIH TZU	1822 HAMILTON STREET SW	CEDAR RAPIDS 52404
* SPITLER, D	SPITLER'S SCREAMING REDBONES	BOX 95	BLAIRSBURG 50034
* SPORRER, M		RR 1	DENISON 51442
* SPRENGER, R & K		703 SUNSET	NEW HAMPTON 50659
* STAUFFER, ML	MAJASTA KENNEL	RR 1 BOX 122	FONDA 50540
* STEFFEN, M&M	STEFFEN'S DOBERMAN	3005 4TH ST	EMMETSBURG 50536
* STEFFENS, J		BOX 3	MACEDONIA 51549
* STILL, JJ	STILL KENNELS	RR 2 PO BOX 240	SCRANTON 51462
* STIMSON,F	FRIENDLY ACRES POMS		BLANCHARD 51630
* STOLTZFUS JR, J		RR 3	IOWA CITY 52240
* STRAIGHT, P			KELLERTON 50133
* STREIT, J	KINICK KENNELS		SIBLEY 51249
* STRICKLAND, D		RT 1 BOX 174	ANITA 50020
* STRIEGEL, E	STRIEGELS TOY DOGS	RR 1 BOX 129	EARLY 50535
* STRUIK, K		RT 1	SULLY 50251
* STRUNK, G & P		RR 1	SOMERS 50586
* STRUVE, D			VAN HORNE 52346
* STUEKERJUERGEN, E		R 1 BOX 155A	DONNELLSON 52625
* STUEKERJUERGEN, JJ&JV	CORNER VIEW KENNELS	RR #1 BOX 155A	DONNELLSON 52625
* STUFFLEBEAN, R&J	RIVER VIEW KENNEL	RR 2	DUNCOMBE 50532
* SUNKEN, R	SUNKENS GREENBELT KENNELS	RR 2	IOWA FALLS 50126
* TAGGART, W & K		PO BOX 434	SCRANTON 51462
* TASLER, M		RR 2 BOX 18	JEFFERSON 50129
* TAYLOR, DJ		RR 2	NEOLA 51559
* TAYLOR, J	YEAGER CREEK YORKIES	5010 SW 8TH ST	DES MOINES 50315
* TESTROET, P&L	COUNTRY KENNELS	BOX 89	AUDUBON 50025
* TESTROETE, G	ARLO FARMS		SIOUX CENTER 51250
* THACKER, J	BRAVO COUNTRY KENNELS	RR 1	DOUDS 52551
* THIEL, MRS. F		RR #2	EARLHAM 50072
* THOMPSON, C&E	CHARFSTA'S KENNEL	RR #1	RANDOLPH 51649
* THOMPSON, DA		RR 1	RIPPEY 50235
* THOMSEN, D		RT 4	HARLAN 51537
* THOMSEN, R		RR 4	HARLAN 51537

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* TILLER, WH	TILLER ENTERPRISE	5801 MARK ST	PAPILLION 68406
* TIPTON, RH		BOX 125	WEST BRANCH 52358
* TITUS, ER & K	FOUR T KENNEL	RR 1 BOX 172	COLFAX 50054
* TJADEN, G		RURAL ROUTE	FLOYD 50435
* TRAVIS, RL			LEWIS 51544
* TRAVIS, R & MITCHELL, S		RR #1	DUNLAP 51529
* TRINKLE, WC	TRINKLE SPRINGDALE KENNELS	ROUTE 5	ALBIA 52531
* TROWER, L		RT 1 BOX 64	GRAND RIVER 50108
* TROWER, R	BUFFALO WALLOW KENNELS	RR 1 BOX 1268	KELLERTON 50133
* TURNER, R		RT 2	ANITA 50020
* ULMER, M&S		BOX 136	ARION 51520
* VAN DER VLIET, B		RR 1	SIOUX CENTER 51250
* VAN DORLAND, W		RT 1	EDDYVILLE 52553
* VAN DRUNEN, P		RT. 2	PELLA 50219
* VAN GORP, SR., L		RT 1	REASNOR 50232
* VAN HOUWELINGEN, RJ		RR 3	PELLA 50219
* VAN KOOTEN, G&H		RT 3	OSKALOOSA 52577
* VAN LANINGHAM, D		R 4 BOX 105E	FAIRFIELD 52556
* VAN LANINGHAM, S	DAVIS COUNTY KENNELS	R 4	BLOOMFIELD 52537
* VAN WYK, W&C		RT. 4	PELLA 50219
* VAN ZEF, R	VALLEY VIEW KENNELS	RT 2 BOX 18	ROCK VALLEY 51247
* VAN ZOMEREN, J		RR 3	OSKALOOSA 52577
* VANCE, MA	SUMMITVILLE KENNELS	RR #2 BOX 163	KEOKUK 52632
* VANDEN BERG, G & M		RT 5	ALBIA 52531
* VANDER SCHAAF, RM		1217-6TH ST	HULL 51239
* VANDEWATER, LJ		RR 2	GREENFIELD 50849
* VANWYK, LM		RT 1	SULLY 50251
* VAUGHN, AM		RR 2	DAVENPORT 52804
* VENTEICHER, KL		RR 4 BOX 37	JEFFERSON 50129
* VERHEY, R&J		RT 1	SULLY 50251
* VERMEER, HD		R 2	HULL 51239
* VERSCHUURE, DM	VERSCHUURE KENNEL	RT 1	LEIGHTON 50143
* VOEGE, D		RR 1	MANILLA 51454
* VOS, R	JE-RO-NA-KENNEL	BOX 36 CLAREMORE MOBILE HM PK	SIBLEY 51249
* WALDRON, KM	BROOKVIEW KENNELS	BOX 75	AYRSHIRE 50515
* WALLER, CD			KELLERTON 50133
* WALRAD, L	LADOWA KENNELS	RT 1 BOX 78	LEON 50144
* WALTERING, O	SUNNY BROOK RED BONE KENNEL	305 E HOWARD ST	COLFAX 50054
* WATERHOUSE, JL		R-2	KEOTA 52248
* WATKINS, D	WATKINS KENNELS	RR 3	SPIRIT LAKE 51351
* WATNEM, N	SHAWNEE KENNELS	R 4 BOX 29	WEST BURLINGTON 52655
* WEAR, E&J	HAPPY VALLEY SALES	1434 SPRUCE ST	IOWA CITY 52240
* WEBB, P			KELLERTON 50133
* WEBER, KA		3545 NORTH CANFIELD	DUNKERTON 50626
* WEHRSPAN, K	KAY'S KENNEL	515 NICKELLANE	EAGLE GROVE 50533
* WEISSHAAR, JR		ROUTE 2	CRESTON 50801
* WELDON, B&R	WELDON ENTERPRISES		LOVILLA 50150
* WELSCH, JM		RR 11	GREENFIELD 50849
* WELSH, OO	WELSH'S KENNELS	RR 1	BLAKESBURG 52536
* WELSH, R&V	WELSH KENNELS		MYSTIC 52574
* WEST, E&D	WESTLAND KENNEL	RT 1 BOX 31	BAXTER 50028
* WESTPHAL, MH		RT 1 BOX 84	MANSON 50563
* WHARTON, A		R-1	WEVER 52658

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* WHEELOCK, PF	VALI-VU KENNELS	RT 4 BOX 216	BOONE 50036
* WIESE, L&N		RFD 1	HOLSTEIN 51025
* WILDIN, D	WILDIN'S RIVERVIEW DACHSHUNDS	RR 1 BOX 113	IRVINGTON 50550
* WILLETTS, D	WILLETTS & SON KENNEL	RT 3	KNOXVILLE 50138
* WILLEY, FF	BLACK SHADOW KENNEL	800 E COLUMBUS	MT AYR 50854
* WILLIAMS, L			LARCHWOOD 51241
* WILSON, GS		ROUTE 2	ALLERTON 50008
* WIMBLEY, MRS RM	OAK HILL KENNELS	RT 3	COUNCIL BLUFFS 51501
* WINEY, C		R 1	DELOIT 51441
* WISHMEYER, N		912 WAYNE	SEYMOUR 52590
* WITTKAMP, L		BOX 944	CHEROKEE 51012
* WOOD, F			EXLINE 52555
* WOOD, LF		RR 2	CASTANA 51010
* WOOD, MJ		RR 1	CINCINNATI 52549
* WOOD, ML	YORKWOOD KENNELS	858 OAK ST	AINSWORTH 52201
* WOODS, D&P		211 N. TEMPLE ST.	AFTON 50830
* WOODS, RM		RT 1	CARLISE 50047
* WRIGHT, J		RT 2	RUSSELL 50238
* WUNSCHEL, D & P		RR 1 BOX 25	IDA GROVE 51445.
* WYNJA, C			SIOUX CENTER 51250
* WYNN, JE	WYNN KENNELS	BOX 295 RR 4	W BURLINGTON 52655
* YARRINGTON, B		RR #2	CORNING 50841
* YOUNG, AE&LA		1913 G STREET	IOWA CITY 52240
* YOUNG, JM	WINDY ACRES KENNELS	BOX 384	MEDIAPOLIS 52637
* ZENOR, L		RT 1	OGDEN 50212
* ZOET, J&P		RR 1	HULL 51239
* ZOMERMAAND, J	ROYAL DUTCH KENNELS	BOX 1	STRUBLE 51057
* ZUMACH, G	ZUMACH KENNEL	BOX 123 RR 1	FONDA 50540
* ZWIEFEL, K	MAVLEN KENNELS		FENTON 50539
* ZYLSTRA, K		RR 2	ROCK VALLEY 51247

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABEL, A & M		RR 1	HOLTON 66436
* ABENDROTH, L	ABENDROTH KENNELS	RT 3	BURLINGTON 66839
* ABERLE, JR		RR 2	SABETHA 66534
* ADEE, E		RR 1 BOX 31	OAK HILL 67472
* ADKINS, N & L		RT 1	CLIFTON 66937
* ALBER, G		RT 1	STERLING 67579
* ALEXANDER, J & L		1007 VALLEY VIEW DR.#4	JUNCTION CITY 66441
* ALEXANDER, M		PO BOX 145	GARFIELD 67529
* ALLEN, HM		RT. 1 BOX 118	ST. GEORGE 66535
* ALLEN, NH & E	ALL-KEN KENNELS	RT 1	SOLDIER 66540
* ALLEN, OE		612 NEW YORK ST	HOLTON 66436
* ALLEN, WJ & G	CASA DE PERO KENNEL		CENTRALIA 66415
* AMON, J			NETAWAKA 66516
* AMOS, E & DEWEY, A		R 1	OSWEGO 67356
* ANDERSON, V&E		RT 2	MERIDEN 66512
* APEL, PE		RT 2 BOX 46	SEDAN 67361
* AREA, R & G		RR 1	MAYETTA 66509
* AREA, RM			HAVENSVILLE 66432
* ASHTON, L & R		BOX 64	POWHATTAN 66527
* ASKINS, DM		RT 5	WINFIELD 67156
* ASPINWALL, PA	ASPINWALL'S DOG KENNEL	RR 2 BOX 202	VALLEY FALLS 66088
* AURAND, M	AURAND'S KENNEL	RR 1 BOX 111A	BELLEVILLE 66935
* AUTRY, C & J	C & J KENNELS	RR 1	VALLEY FALLS 66088
* AVIS, B&JM	SOUTH WIND KENNELS	R 1 BOX 44	BELLEVILLE 66935
* AYERS, F & M		RT 2 BOX 61	WELLSVILLE 66092
* AYERS, FG			CENTRALIA 66415
* BADDERS, LC	GREENLAWN KENNELS	614 MYRTLE	PRATT 67124
* BAINTER, T		RT 1	CRESDEN 67635
* BAIRD, OR		RT 2	DODGE CITY 67801
* BAKER, AY		R1	IOLA 66749
* BAKER, L & G	LEO'S KENNELS	RT 1	WETMORE 66550
* BAKER, LE	PART-RIDGE KENNEL	RT 1 BOX 7	PARTRIDGE 67566
* BALLARD, CL		R 1 BOX 95	HAVANA 67347
* BAMBERGER, DA	PRAIRIE PEKES	RT 2 BOX 280	JETMORE 67854
* BANKEY, K & S	KESUKE KENNELS	BOX 242	NICKERSON 67561
* BANKS, CL			WHITING 66552
* BANNINGER, J		105 E 1ST	SOLOMON 67480
* BANTZ, RA		RR 1	HOWARD 67349
* BARCLAY, R & K		102 SO. PLUMMER	CHANUTE 66720
* BARKER, F & N	BUSY B KENNEL	RT 1 BOX 42	LARNED 67550
* BARNES, L	DELTA KENNELS	RT 2	VALLEY FALLS 66088
* BARNES, L & PATTON, D		RT 1	WETMORE 66550
* BARNES, M		BOX 31 RR 2	VERMILLION 66544
* BARNETT, E	REX-KAN KENNELS	RR1 BOX 718	REXFORD 67753
* BARNETT, M		R 3 BOX 66	COLBY 67701
* BARRICKLOW, MG	BARRICKLOW KENNELS	RT 1	RAYMOND 67573
* BARTA, RA		RR 2 BOX 185	INDEPENDENCE 67301
* BARTLETT, J & M		R 2 BOX 89A	NEODESHA 66757
* BATES, GR	K-9 KENNELS	S STAR RT	GARDEN CITY 67846
* BAUGHN, D		RT 4 BOX 21	CHANUTE 66720
* BEACH, R	BEACH'S KENNEL	RR 3	LAWRENCE 66044
* BEAGLE, J		RT 2	VALLEY FALLS 66088
* BEAGLES, G	RESEARCH RABBITRY	R 1 BOX 20	GALENA 66739

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BEAL, R&R	R&R KENNELS	RT 2	EFFINGHAM 66023
* BEAM, RE		RT 3	HOLTON 66436
* BEAMAN, CL		RT 1	WHITING 66552
* BEAVER, N & DAY, SL	WOODWIND KENNELS	PO BOX 16	LA HARPE 66751
* BECK, G			CORNING 66417
* BECK, NE	SUNNYSIDE KENNELS	BOX 335	ATTICA 67009
* BECK, VE & L		RT 1	CORNING 66417
* BECKMON, E		BOX 114	COLONY 66015
* BEDENBENDER, D & D		R 1	NEOSHO FALLS 66758
* BEHRENS, G		RT 3	MARYSVILLE 66508
* BELL, MS		P.O. BOX 123	BEVERLEY 67423
* BENDER, N			WETMORE 66550
* BENEDICT, C & F		RT 3	ELKHART 67950
* BENNETT, P		RT 2 BOX 129	VALLEY CENTER 67147
* BERG, GT		RR 1	BLAINE 66410
* BERG, H			WHEATON 66551
* BERG, L			ONAGA 66521
* BERG, M	MILTON BERG KENNELS		BLAINE 66410
* BERG, W			BLAINE 66410
* BERGES, D		BOX 81	ONAGA 66521
* BERGMAN, A		RT 1	BAILEYVILLE 66404
* BERGMAN, M		RR	BAILEYVILLE 66404
* BERGMAN, RB		RT. 1 BOX 96	SENECA 66538
* BERNRITTER, B		RR	HAVENSVILLE 66432
* BERNTSEN, BM		RT 1	LA HARPE 66751
* BERRY, EW		RR 2 BOX 106	RUSSELL 67665
* BERRY, J		BOX 99	VERMILLION 66544
* BEST, K&A		207 N POMEROY	HILL CITY 67642
* BICKEL, RR	BICKEL KENNELS	RT 1	DODGE CITY 67801
* BIESENTHAL, L			WHEATON 66551
* BILLINGS, GL		RT 2	DOWNS 67437
* BILLINGS, W&V	SABAKI SEVERA KENNEL	BOX 35	LANCASTER 66041
* BIRCHER, LE		RT. 4	CHANUTE 66720
* BISHOP, C		BOX 32	BELVUE 66407
* BISHOP, D&I		RT 1 BOX 123	HAVENSVILLE 66432
* BLACK, M&H		RFD 1	FRANKFORT 66427
* BLACKBURN, ML	BLACKBURN'S HOUND HOLLOW	RT. 4	INDEPENDENCE 67301
* BLAIR, M&G	GAND M KENNELS	RT 1 BOX 235	PITTSBURG 66762
* BLAND, R			LUCAS 67648
* BLANKINSHIP, CA		RR 2	SEDAN 67361
* BLANTON, LJ		RR 1	TROY 66087
* BLANTON, WM		RR 2	ROBINSON 66532
* BLENN, L			WESTMORELAND 66549
* BLOOM, DE	SUNDANCE SETTERS	7940 NW TOPEKA	TOPEKA 66617
* BLOOMER, JC			LEBANON 66952
* BLUMENSTEIN, ND	LAKEVIEW KENNELS	RT 2 BOX 24	COFFEYVILLE 67337
* BLUTHARDT, A		RD 1	ST GEORGE 66535
* BODEN, N			HAVENSVILLE 66432
* BOEKEN, T & F		BOX 1	LORRAINE 67459
* BOETTCHER, R & V	BLUESTEM KENNEL	RR 5 BOX 165H	EMPORIA 66801
* BOLAN, B		RT. 1	LYNDON 66451
* BOLAND, E	BOLAND KENNEL		ALTON 67623
* BOLDT, W	BOLDT KENNELS		CHASE 67524

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BOLEN, F			MOUND CITY 66056
* BOLING, D		RT 1	HOYT 66440
* BOLLIG, S		310 E 4TH	CHANUTE 66720
* BONE, P	PAUL'S KENNELS	R 4 BOX 21	GIRARD 66743
* BONTRAGER, D		RR 1	WHITING 66552
* BONTRAGER, P		RT 1	WETMORE 66550
* BOSS, J		322 CEDAR ST BOX 43	GREENLEAF 66943
* BOSSE, N		RR 2	ONAGA 66521
* BOTTOM, G	SHAGLAND KENNELS	RT 4	HUTCHINSON 67501
* BOWEN, ML & CW		RR 1	SYLVIA 67581
* BOX, VL		423 E. MILL	COLUMBUS 66725
* BOYD, RK	BOYDS KENNELS	RR 1 BOX 37	BEATTIE 66406
* BOYER, H & HOUSE, H	HOUSEBOYS KENNELS	507 SW 4TH	ABILENE 67410
* BOZONE, GJ		9201 S BROADWAY	WICHITA 67233
* BRACKEN, P & G		RT 1	FALL RIVER 67047
* BRANCHE, N	BRANCHE KENNEL	1209 W 21ST	JUNCTION CITY 66441
* BRAZZLE, W&B	MEADOW WINDS KENNELS	1203 14TH ST	WAMEGO 66547
* BREAKER, K	BREAK-R-DA KENNELS	R 1 BOX 46	DOUGLASS 67039
* BRECHT, E		313 HARRISON	COFFEYVILLE 67337
* BREES, B		420 E 16TH	CONCORDIA 66901
* BREES, DG		RT 1	EMMETT 66422
* BRIDENBURG, J	VILLAGE PET SHOP	1417 N CARLTON AVE.	LIBERAL 67901
* BRINK, C		RT 2 BOX 13	PAOLA 66071
* BRISKEY, G		5707 S SENECA	WICHITA 67217
* BROWN, H&P	YANKEE HILL KENNELS	6645 SE WOODRING RD.	BERRYTON 66409
* BROWN, M		RT 4	BELOIT 67420
* BROWN, RE & BJ		RT. 4 BOX 58	CHANUTE 66720
* BROWN, W&E		BOX 21	PERU 67360
* BRUINGTON, J & L		R 1	LIBERTY 67351
* BRUNA, A	BRUNA'S DOG KENNEL		HANOVER 66945
* BRUNA, A & L		RR 1 BOX 183	WATERVILLE 66548
* BRUNKOW, C&J		RT 2	WAMEGO 66547
* BRYANT, H&G	BRYANT'S SHETLAND SHEEP DOGS	RR 5 BOX 70	HUTCHISON 67501
* BUCKLEY, H		RT. 2 BOX 128	BELLEVILLE 66935
* BUCKNER, S		201 W MILL	COLUMBUS 66725
* BULGARELLI, V&V	VINLEE KENNEL	R 1 BOX 240	PITTSBURG 66762
* BULLOCK, P&H		113 W 10TH ST	FRANKFORT 66427
* BUNCH, R & J	BUNCH ELKHOUNDS	1104 N GRANT	LIBERAL 67901
* BURCH, R		BOX 54	ROXBURY 67476
* BURD, E		RT 1	JENNINGS 67643
* BURDICK, G & S		RR 2 BOX 123	BURLINGAME 66413
* BURDICK, R & W		109 E 20TH ST	PITTSBURG 66762
* BURRIS, E&S		3311 W 4TH ST	HUTCHISON 67501
* BURRUS, T & J	T J KENNELS	801 S MADISON	PLAINVILLE 67663
* BURTON, WW	BURTON'S KENNELS	RT 2 WEST PARK ST	DODGE CITY 67801
* BUTERBAUGH, M&G			AURORA 67417
* BUTSCHLE, JR WA&FL	WILL-LOU KENNELS	RT 2 BOX 42	SALINA 67401
* BUZARD, JC & V		RR 1 BOX 78	MCCUNE 66753
* BUZARD, R		R1	WEIR 66781
* BYRUM, TE	T&C KENNELS	RR 1 BOX 5	GARFIELD 67529
* C & R KENNELS INC		BOx 128	BARNES 66933
* CALLAWAY, JR&F		312 CAMPBELL ST	IOLA 66749
* CAMARATTA, E		BOX 123	BRONSON 66716

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CAMERON, R&D	KITTYLAND PERSIANS	2045 MISSION RD.	SALINA 67401
* CAMPBELL, TM	RENEGADE FRONTIER KENNELS	4403 W PAWNEE	WICHITA 67209
* CANFIELD, W	CANFIELD KENNELS	RT. 1 BOX 220	CLIFTON 66937
* CAREY, BR		1201 MONEY AVE LOT L9	AUGUSTA 67010
* CARLBURG, I		RT 2	FREDONIA 66736
* CARLTON, W & J		RT. 1 BOX 8	JUNCTION CITY 66441
* CARRICK, R		522 SW 39TH ST	TOPEKA 66609
* CARSON, RF		RT. 2 BOX 84	BERRYTON 66409
* CARTER, HS & G	COUNTRY HOME KENNEL	RT 1 BOX 55	GREAT BEND 67530
* CARTER, J	CARTER'S KENNELS	R 2	BELOIT 67420
* CARTER, K & D	K & D KENNELS	ROUTE 2	IOLA 66749
* CHANNEL, AL	CHANN KENNELS		CENTRALIA 66415
* CHAPIN, M&P		RT 2	WASHINGTON 66968
* CHAPMAN, CM		3538 SEWARD AVE	TOPEKA 66616
* CHASE, VM		6308 S SENECA	WICHITA 67217
* CHEGWIDDEN, D		R 2	RUSSELL 67665
* CHICK, L		1720 NICKERSON BLVD.	HUTCHINSON 67501
* CHOITZ, S	SANDYLAND KENNELS	RR 2	ELLINWOOOD 67526
* CHRISTIE, JH	SEVEN CEES KENNELS	R1	BELOIT 67420
* CIROLSKI, D		RR 1	AGENDA 66930
* CLANTON, M		RR 2 BOX 188C-1	NEODESHA 66757
* CLARK, E		BOX 105	MILDRED 66055
* CLARK, L		R 1 BOX 115	GLASCO 67445
* CLARK, LL&T	L & T KENNEL	BOX 111	GREENLEAF 66943
* CLARK, MA		R 1	TROY 66087
* CLARK, RL & ML		418 N 3RD	STOCKTON 67669
* CLAUSSEN, D & G		312 1/2 W FREMONT	MEDICINE LODGE 67104
* CLAY, C & M		RR 1	ONAGA 66521
* CLAY, J		R 1	ONAGA 66521
* CLAY, LS&FM		R 4	PARSONS 67357
* CLAYCAMP, E & E		RR 1	GOFF 66428
* CLAYCAMP, ER		RT 3 BOX 43A	SENECA 66538
* CLOTHIER, HN & G	WALNUT CREEK KENNEL	RT 3 BOX 174	GREAT BEND 67530
* CLOTHIER, J & J			PLEVNA 67568
* CLOUSTON, V	CLOUSTON KENNELS	RT 1	NESS CITY 67560
* CORERLY, A&M		RT 1	DIGHTON 67839
* COFFMAN, ME&LE	COFFMANS KENNELS	RR 1	HAVENSVILLE 66432
* COLE, B	COLES KENNEL		BEVERLY 67423
* COLLE, C & D	CAMDEN KENNELS	RT 1 BOX 146	MEDICINE LODGE 67104
* COMBS, M&C	COMBS KENNEL	R 1	CENTRALIA 66415
* COMPTON, SC&ML		R 5	HIAWATHA 66434
* CONARD, C	TIMKEN KENNELS		TIMKEN 67582
* COOK, M&P		RT 3 BOX 56	FORT SCOTT 66701
* COOPER, K		RR 2	CHAPMAN 67431
* COOPMAN, R	COOPY'S KENNELS	RR 3	WAVERLY 66871
* COOVER, PI	COOVER'S KENNEL	RT 1 BOX 83	ERIE 66733
* COTTONGIM, D		R 2 BOx 10	CHERRYVALE 67335
* COTTRELL, A			CORNING 66417
* COUCHMAN, H&G	TEGALA KENNEL'S	RT 1	CLAY CENTER 67432
* COUNTRYMAN, D&B	DA-BE-LI KENNELS	RT 1 BOX 75	ESBON 66941
* COVERDALE, GV		RR 2	SOLDIER 66540
* COX, B	BILLIES PET SHOP	1201 KANSAS AVE	TOPEKA 66612
* COX, R & W		RT 1	ALTA VISTA 66834

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CRAFT, CC		RT 1	EDSON 67733
* CRANE, RE		NORTH STAR ROUTE	DODGE CITY 67801
* CROME, G			HERKIMER 66433
* CROME, G			HERKIMER 66433
* CROME, K			BREMEN 66412
* CRONE, A	ALBERTA CRONE KENNELS	RT 1	GREAT BEND 67530
* CRONE, R		RR 1	GREAT BEND 67530
* CROSS, D		RR	CENTRALIA 66415
* CROSS, R		RR 1 BOX 137	SENECA 66538
* CROWLEY, R & J		BOX 93	REDFIELD 66769
* CULBERTSON, J		RT. 4 BOX 169	FREDONIA 66736
* CUNNINGHAM, DL		RT 1	PRINCETON 66078
* CURLESS, J&L	CURLESS KENNEL	RR 5	HIAWATHA 66434
* DALINGHAUS, DF		RT 3 BOX 37	SENECA 66538
* DALINGHAUS, MF		RR 1	BAILEYVILLE 66404
* DANIELS, V			POWHATTAN 66527
* DAR-MAR INC		PO BOX 383	MARYSVILLE 66508
* DAVIDSON, A		RT 1	BURLINGAME 66413
* DAVIS, D			LUCAS 67648
* DAVIS, JR&N		RT 3 BOX 450	INDEPENDENCE 67301
* DAVIS, T&E		901 E 58TH ST SOUTH	WICHITA 67216
* DEAN, L & CROSSON, B & B	CROSSON KENNEL	RT 3	MINNEAPOLIS 67467
* DEBEY, L	MEL-LENA KENNEL	816 W. BEALE ST.	DOWNS 67437
* DEETER, CK		1520 NE 54 RT 5	TOPEKA 66617
* DEINLEIN, K		RT 2 BOX 188E	NEODESHA 66757
* DEKAT, M		RT 1	ST GEORGE 66535
* DELKER, ML		RR 2	JETMORE 67854
* DERUSSEAU, S	SONIDEE CATTERY	BOX 215	CLYDE 66938
* DETERS, G&L, RANDY, T&R		BOX 2	BAILEYVILLE 66404
* DETERS, L		BOX 127	BAILEYVILLE 66404
* DETHERAGE, D		RT. 1 BOX 203	LAWRENCE 66044
* DETTKE, D&M		R 4	MARYSVILLE 66508
* DEVADER, R&M		RT 1	HOLTON 66436
* DICK, LR&CO		7401 PARKVIEW	KANSAS CITY 66109
* DICKSON, BD		RT 2 BOX 111	INDEPENDENCE 67301
* DILLON, JM	HERE 'TIS' KENNEL	PO BOX 86	STANLEY 66223
* DITMARS, L	DITMARS' KENNELS	R 1 BOX 132	WASHINGTON 66968
* DOEPKE, GL		R 2	HUMBOLDT 66748
* DOLEZAL, RM&P	R&R KENNELS	RT 1 BOX 76	KANOPOLIS 67454
* DONALS, B&P	DONALS KENNELS	RT 4	WINFIELD 67156
* DORR, D		RR 2	BURLINGAME 66413
* DORSEY, DL&W	DORSEYS PERSIANS	750 SOUTH SANTA FE	SALINA 67401
* DOTY, RL & S	ARDEE KENNELS	RT 2 BOX 156	SALINA 67401
* DOUPNIK, B	ELK CREEK KENNELS	BOX 73	AGENDA 66930
* DREYER, M		4124 NE SEWARD RT 4	TOPEKA 66605
* DUENSING ET & V		BOX 116	BREMEN 66412
* DUFT, WC		RT 1	STERLING 67579
* DULA, BJ		4235 SE HWY.-40	TOPEKA 66605
* DULING, O		RT 1	WALNUT 66780
* DUNCAN, DE	DUNCAN'S KENNELS	RT 2	WAMEGO 66547
* DUNHAM, T & M		RFD 1	HAMILTON 66853
* DUNIGAN, J		1111 E 33RD TERRACE	TOPEKA 66605
* DUNN, NL		RT 2	EFFINGHAM 66023

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* DYE, RH		RT 3 WILROADS GARDENS	DODGE CITY 67801
* EAKINS, AL		RT. 1 BOX 73A	CLYDE 66938
* EAKINS, JA&J&J&C&D		R 1 BOX 74	CLYDE 66938
* EATON, L		R1 ROX 146	SCAMMON 66773
* ECKELS, WJ RE		321 N 6TH	NESS CITY 67560
* EGGERS, L	FAIRVIEW KENNELS	RT 1 BOX 91	BELLEVILLE 66935
* EIFERT, AS & SCHEUERMAN, LH	ANNAROSA KENNEL		EUREKA 67045
* ELDER, G	JERRYS KENNELS	RT 1	HUMBOLDT 66748
* ELDER, J&L	L&J KENNEL	RR	MORROWVILLE 66958
* ELDRIDGE, V	SANDY RIDGE KENNEL	RT 5 BOX 152	HUTCHINSON 67501
* ELLIOTT, L		321 E.BUCHANAN	IOLA 66749
* ELLISON, D&P	SILVER CREEK KENNEL	BOX 82	PRESTON 67569
* ELMORE, W&J	FLAGG KENNELS	R 2 BOX 84	ELK CITY 67344
* ELNIFF, R&R	TRIPLE CREEK KENNELS	R 1	JAMESTOWN 66948
* ELSTROM, TR&BM	EL CLOUD KENNEL	RT 1	CONCORDIA 66901
* EMERSON, HR	SAINTS & BULLS KENNELS	PO BOX 60	DEARING 67340
* ENGELKEN, RH&B&M&J&T		RT 2	GOFF 66428
* ENGELKEN, L		RT 1	FRANKFORT 66427
* ENGELKEN, V		RR 2	SENECA 66538
* ENGLISH, E & J		P O BOX L04	NEAL 66863
* ENNEKING, L		512 S. 8TH	SENECA 66538
* ENNEKING, MJ			CENTRALIA 66415
* ENRIGHT, C & MRS. NETL		RT 1	SOLOMON 67480
* ENRIGHT, N		RT 1	SOLOMON 67480
* ENSLEY, JH		808 N MAPLE	FRANKFORT 66427
* EVANS, EM&RL		RT 1	MARYSVILLE 66508
* EVARTS, VD		318 MAIN	WALTON 67151
* EWING, D	DEE'S CEDAR LANE KENNEL	R 1	ATLANTA 67008
* FADELY, L		RT 1	SEDAN 67361
* FAIRBANKS, R&N & CLANTON, E		1034 NO 11TH	NEODESHA 66757

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* FALDER, LA			BEVERLY 67423
* FALK, DI			WHEATON 66551
* FANKHAUSER, LJ & MM		RT 2	MADISON 66860
* FANN, MJ		2004 HAYES DR	MANHATTAN 66502
* FARLEY, J&J	JE-MI-JAC KENNELS	RT 1	TESCOTT 67484
* FARMER, M&J, NELSON, K		RT 1 BOX 518	ALTOONA 66710
* FARR, G		RT. 1	OBERLIN 67749
* FARRELL, GR		RT 2	FRANKFORT 66427
* FARRELL, P		RR 1	ST GEORGE 66535
* FEE, B		423 N KANSAS	COLUMBUS 66725
* FELBUSH, L	FLINT HILL KENNEL	RT 1 BOX 85	ALMA 66401
* FELDHAUSEN, FL		RT. 1	BREMEN 66412
* FENGEL, ML		RT. 1	OAKHILL 67472
* FEWINS, LS		RR 2 BOX 35	MORAN 66755
* FEWINS, P & D		R 2	HUMBOLDT 66748
* FINGER, F		RT 1	POWHATTAN 66527
* FINGER, R&H		RT 1 BOX 190	HORTON 66439
* FINLEY, I		RT 2	HERINGTON 67449
* FINLEY, M	FINLEY KENNELS	RT 1	MORGANVILLE 67468
* FINLEY, V&L		BOX 165	WALNUT 66780
* FINNEY, JL&MK	HILLSIDE KENNELS	BOX 185	ELK CITY 67344
* FISCHER, A			
* FITZMAURICE, A & D			WHEATON 66551
* FLENTIE, E		RT 2	HUMBOLDT 66748
* FLETCHER, J&P	KAN-DO KENNEL	R 2	CENTRALIA 66415
* FLICKINGER, JA & DEAL, K		BOX 856	SYRACUSE 67878
* FORD, WA		RR 1	HARVEYVILLE 66431
* FORESTER, G & M		323 S OAK	MEDICINE LODGE 67104
* FOWLER, D		R 4	FT. SCOTT 66701
* FOWLER, P		BOX 1508	LIBERAL 67901
* FRAME, P		758 S CAIN	LIBERAL 67901
* FRANKLIN, G&W		618 BOX ELDER	MULVANE 67110
* FRASER, R	BARB FRASER KENNEL	RT 4 BOX 197	GIRARD 66743
* FRASER, J & B		BOX 28	AMES 66931
* FRAUENFELDER, RG		RT 5	CLAY CENTER 67432
* FREEMAN, JR		RR 1	WAKEFIELD 67487
* FREEMAN, S		1212 N 8TH	INDEPENDENCE 67301
* FREIDENBERGER, A&A	FREIDENBERGER KENNELS	RT 1 BOX 1	FREDONIA 66736
		BOX 52	BISON 67520

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* FRENCH, W		RT 2	HIAWATHA 66434
* FRIESEN, R&J		BOX 606	SYRACUSE 67878
* FUND, J		RR 1	NETAWAKA 66516
* FUNKE JR, E		RR 2	WASHINGTON 66968
* FYFFE, CE & RM	MAE'S KENNEL	P.O. BOX 281	ANTHONY 67003
* GARRISON, RK & SONS		BOX 218	LINCOLN 67455
* GATES, M	GATES KENNELS	BOX 65	HAZELTON 67061
* GAY, RG&RE		R 1 BOX 385A	GARDNER 66030
* GEER, M		RT 1	CLAY CENTER 67432
* GEIER, C		RT 4	GIRARD 66743
* GEIER, ML		501 W PRAIRIE AVE	GIRARD 66743
* GIBBS, L		PO BOX 414	NEODESHA 66757
* GIDEON, A & D	POTAGOLD CATTERY	RT 1	PAXICO 66526
* GIEFER, C&L		210 SOUTH 32ND ST	PARSONS 67357
* GIEFER, M		RR 1	KINGMAN 67068
* GILBERT, M		RT. 1 BOX 58-A	REXFORD 67753
* GILLIS, H & W		BOX 55 R#3	AUGUSTA 67010
* GILMORE, G		RT 2	LARNED 67550
* GLENN, GJ		RT 2	MERIDEN 66512
* GLENN, VL	GLENNEDEN KENNELS	R 1	MAYFIELD 67103
* GOERTZEN, S	SUNNY ACRES KENNEL	RT 1	BUHLER 67522
* GOERTZEN, V	V&K KENNELS	RR 1	INMAN 67546
* GOLDEN, TL		RT 3 BOX 29AA	LAWRENCE 66044
* GOOD, TJ		BOX 45	LAKE CITY 67071
* GOODIN, RD		RT 2	DERBY 67037
* GOODWIN, M		BOX 113	SUMMERFIELD 66541
* GORDON, T & C		R 4 BOX 111	COFFEYVILLE 67337
* GOSNELL, J		508 LINCOLN	INDEPENDENCE 67301
* GRAHAM, I		R 1 BOX 38	STARK 66775
* GRANNEMANN, R		RT 2	WALNUT 66780
* GRANT, EL		402 NO LOGAN PO BOX 331	ATTICA 67009
* GRAVEN, R&J	GRAVEN KENNELS	RR 4 WEST RIVER RD	PRATT 67124
* GRAY, ME		BOX 32	BEVERLY 67423
* GRECIAN, NV			PALCO 67657
* GREEN, W	GREEN'S	RT 1 BOX 45	GREENSBURG 67054
* GREENWOOD, A		LEWIS ADDITION RT 1	DODGE CITY 67801

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	GRIFFITH, JL	GRIFFITH'S KENNELS	RT 1 BOX 17	WAKEENEY 67672
*	GRIFFITHS, R&L	GRIFF'S KENNELS		CENTRALIA 66415
*	GROSSNICKLE, R & L		RT 1	CORNING 66417
*	GUHR, H&D	FOX WOOD KENNELS	RT 1 BOX 67	LEHIGH 67073
*	GUILFOIL, R		RT 1	ESKRIDGE 66423
*	GUILFOYLE, MD	EMERALD VALLEY KENNELS	RR 3 BOX 77	GARNETT 66032
*	GULLEY, M&C	GULLEYS KENNEL	504 MECHANIC	LAWRENCE 66044
*	GUNN, NJ		320 CRESTLINE DR	LAWRENCE 66044
*	GUNN, RT & JK		310 W 5TH	BLUE RAPIDS 66411
*	GUNNELLS, M	ROCKY TOP KENNELS	RT. 1 BOX 98	CARBONDALE 66414
*	GURTNER, H		RT 2	KINGMAN 67068
*	HALL, J&J		2107 IDA ST.	WICHITA 67211
*	HALL, L		RT 1 BOX 99	ALTOONA 66710
*	HAMM, CV & BE	CHARBARA KENNELS	10925 SW 77TH ST	TOPEKA 66604
*	HAMMERLY, AJ		R 2	MERIDEN 66512
*	HAMMON, L	COUNTRY KENNELS	RT 1	CONCORDIA 66901
*	HANEY, E&V		BOX 1	CONWAY SPRINGS 67031
*	HANN, I&M	HANNS KENNEL	R 1	PERU 67360
*	HARDESTY, A		RT 2	GARNETT 66032
*	HARLAN, D&C & CROSBY, K	ARROWHEAD RABBIT RANCH	RT. 1 BOX 6A	ULYSSES 67880
*	HARMON, J		RT 1	ALTAMONT 67330
*	HARRIS, BA		BOX 165	CLIFTON 66937
*	HARRIS, SR	WHITE ROCK KENNELS		BURR OAK 66936
*	HARRISON, H		1225 N MADISON ST	TOPEKA 66608
*	HARRY, M		1140 DAYTON	WICHITA 67213
*	HARTENSTEIN, M			SOLOMON 67480
*	HARTER JE & MJ	SWISS EIRE KENNEL	RT 2	BERN 66408
*	HARTMAN, CL & DOUGLAS, T		620 W NEW YORK ST	SMITH CENTER 66967
*	HARTMAN, K&G	K&G KENNELS	RFD	SHIELDS 67874
*	HARTMAN, KC & ML	HARTMAN KENNELS		SHIELDS 67874
*	HARVEY, R		PO BOX 1311	PITTSBURG 66762
*	HATCH, EL		RT 4 BOX 215	LAWRENCE 66044
*	HATCH, MK	HATCHES KENNEL	206 N GROVE	YATES CENTER 66783
*	HAUG, G	FALL VIEW KENNEL	BOX 41	COTTONWOOD FALLS 66845
*	HAUG, L	HAUG KENNELS	210 NW 10TH	ABILENE 67410
*	HAUG, WL		5831 NW BRICKYARD RD	TOPEKA 66618
*	HAUGHENBERRY, H		R 2	HOLTON 66436
*	HAUGSNESS, N	POODLE ETCETERA	901 HENRY ST	ATCHISON 66002
*	HAVERKAMP, A		R 3 BOX 73	SENECA 66538
*	HAVERKAMP, C		RR 3	SENECA 66538
*	HAVERKAMP, EW		RT 1	CORNING 66417
*	HAVERKAMP, R		BOX 337	CENTRALIA 66415
*	HAY, FE			ONAGA 66521
*	HAYDOCK, ES		1334 BUTEN DR	FREDONIA 66736
*	HEGER, RK	HEGER'S KENNEL	RT 1 BOX 81	HUGOTON 67951
*	HEIMAN, T		RR 3 BOX 139	SENECA 66538
*	HEIMERMAN, J		R 2	PRETTY PRAIRIE 67570
*	HEININGER, S&L		RT 3 BOX 73	SABETHA 66534
*	HELMBRECHT, D&M	DEN-MAR KENNELS	BOX 386 WEST 8TH ST	BELOIT 67420
*	HENDERSON, RJ & S		BOX 2	SOLOMON 67480
*	HENNINGSEN, R	IONIA KENNELS		MANKATO 66956
*	HENRY, JA		505 S. 3RD ST.	SENECA 66538
*	HENRY, KJ		RT 1	CENTRALIA 66434

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HERDER, G & R		RR 1	CARLYLE 66718
* HERLOCKER, R		R 1	FARLINGTON 66734
* HERRMAN, H&W		309 WESTERN	ONAGA 66521
* HESTER, K		RT 1	PLEVNA 67568
* HEWITT, M		404 S MASS	ERIE 66733
* HIBBARD, L		RT 1 BOX 51	TORONTO 66777
* HICKMAN, D			BARNARD 67418
* HIEBERT, J		9221 S. BROADWAY	WICHITA 67233
* HILL, A&J	BLRNTWOOD HILLS KENNEL	RR 1	BENKELMAN 69021
* HILL, F		RT 1	JETMORE 67854
* HILL, FD & AM		RFD 2	DOWNS 67437
* HILLYARD, G	G&M PUPPY LOVE DIST	RT 1 BOX 130	NEODESHA 66757
* HILTGEN, K		BOX 79	VLIETS 66545
* HINDE, CE		BOX 94	CASSODAY 66842
* HINDE, MC		222 W 7TH	FLORENCE 66851
* HINDERER, VM	HINDERER'S KENNELS	RT 1 BOX 144	WAKARUSA 66546
* HITTLE, BE SR		RR 2 BOX 108	MAYETTA 66509
* HODGKINSON, R		RR 2	PRATT 67124
* HOEPKER, L&J		RT 2 BOX 109	HUMBOLDT 66748
* HOLLIMAN, LL		RT. 1 BOX 49	WATERVILLE 66548
* HOLROYD, H		RT 1	SEDAN 67361
* HOLTHAUS, A		RT 1	SENECA 66538
* HOLTHAUS, C		RR 3 BOX 135	SENECA 66538
* HOLTHAUS, JL		RT 3	SENECA 66538
* HOLTHAUS, JM		ROUTE 1	SENECA 66538
* HOLTHAUS, KJ		RR 1 BOX 123	SENECA 66538
* HOOBLER, A & B		RT 2	OSWEGO 67356
* HOUSH, CH	HOUSH'S K-9'S	BOX 85	GLEN ELDER 67446
* HOWARD, E		RT 2	ONAGA 66521
* HOWARD, R&G	MISTY MORNING KENNELS	R1 BOX 81C	NEOSHO RAPIDS 66864
* HOWE, E	HOWE'S KENNEL		WEBBER 66970
* HOWIE, JE&R	J&R PETS	RT 3	ABILENE 67410
* HUBBARD, MD		131 W RAILROAD	WATERVILLE 66548
* HUFF, A	H & H PET SHOP	515 MATTHEW	CONCORDIA 66901
* HUGHES, RL		RT 2	SOLDIER 66540
* HUGUNIN, LL		RT 1	LEONARDVILLE 66449
* HULL, KW	HULL'S KENNELS	RT. 2 BOX 200	BELLEVILLE 66935
* HULSEY, J & P	LAZY H KENNELS	RT 2 BOX 29	CANTON 67428
* HUMBLE, C		R 2	GIRARD 66743
* HUMBOLT, L		BX121	ELK CITY 67344
* HUND, MA		307 IOWA	HOLTON 66436
* HURT, R & M	RO MAR KENNELS	R 4, BOX 251	CHANUTE 66720
* HUSTON, JR		RT 1	MILFORD 66514
* HUTTON, D		307 W BRADLEY	SEDAN 67361
* ILLINGWORTH, DE & B	ILLINGWORTH CATTERY	627 PARK PLACE	SALINA 67401
* IRWIN, MD	HAVEN HILL KENNEL	R 1 BOX 98	TECUMSEH 66542
* JACKSON, D&J	JU-JU'S KENNELS	RT 1 BOX 18	SEDAN 67361
* JACKSON, KJ		RR 3	BURLINGTON 66839
* JACKSON, RE		BOX 125	HARVEYVILLE 66431
* JACOBS, VS		BOX 175	PAWNEE ROCK 67567
* JACQUES, ZW		320 ADRIAN PO BOX 144	ROSSVILLE 66533
* JAHAY, J&M		RT 1	HAZELTON 67061
* JANDERA, RF		RR 1 BOX 57	HANOVER 66945

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* JEARDOE, T		RT 2	CONCORDIA 66901
* JENSEN-SALSBERY LABS,		2000 SOUTH 11TH ST	KANSAS CITY 66103
* JOHANSEN, F & B		2222 BALL LN	KANSAS CITY 66103
* JOHNSON, AE		RT 1	RANDOLPH 66554
* JOHNSON, C & V	LAZY-J KENNELS		LEBANON 69036
* JOHNSON, FW&M			MINNEAPOLIS 67467
* JOHNSON, IS & RJ		RR 1 BOX 63	OLSBURG 66520
* JOHNSON, N	TUJA CATTERY	RT 1	FORMOSO 66942
* JOHNSON, P	HILL TOP KENNELS	4333 NW TOPEKA	TOPEKA 66617
* JOHNSTON, M&T		R 2 BOX 31	COFFEYVILLE 67337
* JONES JR, HH		ROUTE 1	WETMORE 66550
* JONES KENNELS INC			NETAWAKA 66516
* JONES, AM		3315 N 115TH ST	KANSAS CITY 66109
* JONES, CJ	KEN-LYN KENNELS	RR 1 BOX 24	BEATTIE 66406
* JONES, D&R	DI-BO'S	2945 NE MERIDEN RD,	TOPEKA 66608
* JONES, E		BOX 234	MCCUNE 66753
* JONES, J		RT 2 BOX 57	BEATTIE 66406
* JONES, L		509 S EXCHANGE	ST JOHN 67576
* JONES, R		R 1	ELK CITY 67344
* JONES, W&M		RR 2	DOUGLASS 67039
* JOSSERAND KENNEL, INC		2220 VAIL	TOPEKA 66608
* JOSSERAND, J&L	LOU JAC PETS	7550 SO, BROADWAY	WICHITA 67233
* JOST, VL		RT 2	HILLSBORO 67063
* JUNDY, G&D		BOX 51	POWHATTAN 66527
* KABEL, WD & CC	KABEL'S KENNEL	509 E 5TH ST	TONGANOXIE 66086
* KAHRS, LA		RT, 1 BOX 212	CLIFTON 66937
* KASSELMAN, W & L	KASSELMAN KENNELS	RT, 1 BOX 105	OLSBURG 66520
* KEBERT, CD		RT 4	FREDONIA 66736
* KEEGAN, D & K		RT, 1	BAILEYVILLE 66404
* KEISWETTER, D&H		RFD #2	NORTON 67654
* KELLENBERGER, G		RT 1	SABETHA 66534
* KELLY, GL & DA	COUNTRY KENNELS	RT 1	HOLTON, 66436
* KELLY, WP	KHI, KENNELS	RT 2 BOX 55	CLIFTON 66937
* KEMP, D&F		RT 1 BOX 187	DEXTER 67038
* KENNEDY, ML	L&M KENNEL	316 S DOUGLAS	LYONS 67554
* KENNY'S KENNELS		R 2	ST JOHN 67576
* KERNS, GL		RR 4 BOX 159A	OSAGE CITY 66523
* KERR,ML		R1	SILVER LAKE 66539
* KERSTING, MH			OFFERLE 67563
* KIEFFER, J	WACONDA KENNELS	BOX 102	GLEN ELDER 67446
* KILGORE, T		RT 1	MULLINVILLE 67109
* KILLOREN, F & G	KILLOREN KENNELS		POWHATTAN 66527
* KING, JL & MJ	KING'S KENNELS	RTE 1 BOX 71	SCOTT CITY 67871
* KING, OC		RT 4 BOX 248	CHANUTE 66720
* KINNAMON, D & D		RT 4 BOX 79	INDEPENDENCE 67301
* KINNEY, AR		PO BOX K	MERIDEN 66512
* KINZIE, R		RTE 1 BOX 56	SAWYER 67134
* KIRK, E & K		BOX 216	SCANDIA 66966
* KIRK, JD		RT 1 BOX 48	COLUMBUS 66725
* KIRKMAN, JJ & G		ROUTE 1	VALLEY FALLS 66088
* KIRKPATRICK, C		BOX 58	MELVERN 66510
* KISSINGER, D		RR 1 BOX 275	MULVANE 67110
* KLINGENBERG, K&E	BETKEN KENNELS	ROUTE 4 BOX 215	LAWRENCE 66044

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* KNAPP, HW & B	SHADY OAKS KENNEL	RT 3	CHANUTE 66720
* KNOPP, VJ & J		RT 1 BOX 190A	HAYS 67601
* KNOX, B&BARNES, D&MEENEN, D	K&M KENNELS	ROUTE 1	CLIFTON 66937
* KNOX, BD	ROSNOX KENNELS	PO BOX 147	VALLEY FALLS 66088
* KNOX, RL	KNOX'S COUNTRY KENNELS	R 1	AGENDA 66930
* KOCH, BJ			BLAINE 66410
* KOCH, DH			BAILEYVILLE 66404
* KOCH, I		RT 2	AXTELL 66403
* KOCH, JC			BAILEYVILLE 66404
* KOEHN, M&MJ	KOEHN KENNEL	RT 2 BOX 68	MOUNDRIDGE 67107
* KOEHN, RA&CE		R2 BOX 808	INDEPENDENCE 67301
* KONECNY, V			LINCOLNVILLE 66858
* KORNFIELD, AS	HIGHLANDER COLLIES	ELM ST	EVEREST 66424
* KRAFT, PL		RR #1	JETMORE 67854
* KRAUSE, R & C		1115 E 11TH AVE	HUTCHINSON 67501
* KREBS, CE & SON		RT 1	POWHATTAN 66527
* KREHBIEL, D & D	KREHBIEL'S KENNELS	RT 2	KINGMAN 67068
* KREHBIEL, EO		RT 2	PRETTY PRAIRIE 67570
* KRIER, LM&AL		BOX 323 1217 BIRCH	ASHLAND 67831
* KROGMAN, L & E	KROGMAN'S KENNELS		AXTELL 66403
* KRUCKENBERG, SM		2851 OREGON	MANHATTAN 66502
* KRUSE LP		RR 1	MORRILL 66515
* KUEHL, E&C	KUEHL & KUEHL		ONAGA 66521
* KUEHL, L			ONAGA 66521
* KUFAHL, LL		RR 1	WHEATON 66551
* KUHN, W & C		1423-21ST STREET	GREAT BEND 67530
* KUNZLER JE & MCKINLEY BS	K&M RABBITRY	RT 1 BOX 143	GARDNER 66030
* KURTZ, L		RT 2 BOX 378	EUDORA 66025
* KURTZ, R		RR 2 BOX 38	EUDORA 66025
* KYLE, DR		RT. 1 BOX 35	SABETHA 66534
* LAMBERT, RE	LAMBRIAR KENNELS	GEN DEL	MAHASKA 66955
* LANGSTON, LE	L & S KENNEL	RR 2	OSKALOOSA 66066
* LANOUE, J		RR 3	CONCORDIA 66901
* LANTIS, RW	4-L KENNELS	BOX 624 RT 3	OTTAWA 66067
* LARSEN, D & D	LARSEN KENNELS	RT 2	HOLTON 66436
* LARSH, S		BOX 97	LONGTON 67352
* LARSON, J	LARSON KENNELS	R 3 BOX 44	LAWRENCE 66044
* LARSON, LD&EE		RR 1	WATERVILLE 66548
* LAWELLIN, W&H		R 3	COLUMBUS 66725
* LAWRENCE, E	SILVER STAR KENNELS	BOX 244	SEDAN 67361
* LAWRENCE, J		RT 2	WINFIELD 67156
* LEAMING, E			PLEASANTON 66075
* LECLAIR, J&R		RT 2 BOX 80	CLYDE 66938
* LEE, HE		RT 2 BOX 46	MAYETTA 66509
* LEE, HE		NO 1 PARK PL	MEDICINE LODGE 67104
* LEHMAN, MRS. L, D & D		RT 1 BOX 140A	LINN 66953
* LEIDIG, W		RT 3	CLAY CENTER 67432
* LEIS, JA		RR 1	GARDEN PLAIN 67050
* LEWIS, C		302 E 5TH	LYNDON 66451
* LEWIS, JR., WJ & S	SUNSHINE KENNEL	R 1 BOX 96	MOLINE 67353
* LEWMAN, V & R	R-VEE KENNEL	RR 1	DELIA 66418
* LIERZ, J		RT 1 BOX 145	FRANKFORT 66427

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* LIERZ, LA		BOX 162	WETMORE 66550
* LINDBLOOM, E		RT 4	OSAGE CITY 66523
* LINDBLOOM, G&D		RT 1	OSAGE CITY 66523
* LINDEN, BF & R		RR 2 BOX 54	CUMMINGS 66016
* LINDGREN, BM		R 1 BOX 186	THAYER 66776
* LINKUGEL, D		RT 2	MARYSVILLE 66508
* LINNEMAN, F	LOCHE LINNHE KENNELS	103 N MONROE	SMITH CENTER 66967
* LITTLE, R	DUSTY ACRES KENNEL	BOx 42	CENTRALIA 66415
* LIVINGSTON, D		RT. 3 BOX 73	PITTSBURG 66762
* LOCKENOUR, W	LOC KENNELS	BOx 43	NETAWAKA 66516
* LOCKHART, H&P		BOX 116	NORCATUR 67653
* LOEHR, A & J	LOEHR KENNELS	301 N GROVE	YATES CENTER 66783
* LOGUE, D&R	LOGUE'S KENNEL	R 2 HOLLYWOOOD ADD	DODGE CITY 67801
* LONG, C		RT 1 BOX 100	WESTMORELAND 66549
* LONG, E			CIRCLEVILLE 66416
* LONG, H&C	LONG'S KENNELS	RT. 1	AMERICUS 66835
* LONG, H&F		R 1	SEVERANCE 66081
* LONG, P&R	PINE VALLEY KENNELS	RT 1	PECK 67120
* LOOSE, FE		PO BOX 8	NASHVILLE 67112
* LOWE, CR		RR #2 BOX 140	CHANUTE 66720
* LOWE, H	HEL'S KENNELS	RT 4 BOX 12	GIRARD 66743
* LUCKE, E		RT 2	GIRARD 66743
* LUCKE, L		RT 1	GIRARD 66743
* LUFF, CL & BLAIR, NM	CO JNTRY KENNELS	BOX 7	CORNING 66417
* LUHMAN, GW & DM		RT 1	RICHMOND 66080
* LUMBERT, D	LU BERT'S KENNELS	RT. 1 BOx 219	WINFIELD 67156
* LUMLEY, I&N		ROUTE 1	PERU 67360
* LUSK, RL		RT 2	OLPE 66865
* LUTHER, F & E & A		R 2 BOX 167	CHANUTO 66720
* LUTHI, H&S		RR 2	MADISON 66860
* LYONS, V&B	HA PY VALLEY KENNELS	RT 1 BOX 199	OSAWATOMIE 66064
* LYTLE, JJ&E		RT 2	HOLTON 66436
* MADL, C		RT 1	WALNUT 66780
* MAIKE ENTERPRISES INC	SANDY'S KENNELS	RT 2 BOX 91	ALMA 66401
* MAIKE, A		R 1 BOX 108	ALMA 66401
* MAKINGS, A	DA AN KENNELS	RT 2 BOX 110A	GOODLAND 67735
* MALM, GA		RT 2	VALLEY FALLS 66088
* MANRING, RL		1814 BOOTH	WINFIELD 67156
* MANZ, C		RT 1	ESKRIDGE 66423
* MARCOTTE, V		RT 1	ALLEN 66833
* MARK, I & G		R 1	BURLINGTON 66839
* MARLER, E	TURKEY CREEK KENNEL	RT 2	BURDEN 67019
* MARPLE, LB		BOX 207	WAKARUSA 66546
* MARSHALL, LL		RR 1	EMMETT 66422
* MARSHALL, P		11810 HOLLINGSWORTH RD	PIPER 66109
* MARTEN, RC		RT 2	ONAGA 66521
* MARTIN, M		BOX 14	ANDALE 67001
* MAY, BL		RR 1	MANKATO 66956
* MAYFIELD, AR	CHOWS CHOWS LTD	5635 S VANDALE	WICHITA 67217
* MCADAM, EE		RT 3	HOLTON 66436
* MCBURNEY, TM		5345 NW TOPEKA AVE	TOPEKA 66617
* MCCALL, FM&PM		RT 1 BOX 59	CEDAR VALE 67024
* MCCALL, JL & S		RR 1 BOX 898	CEDAR VALE 67024

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MCCLASKEY, M & D	MAC'S KENNELS	RR 3	GIRARD 66743
* MCCLINTOCK,TA		RR1	HOLTON 66436
* MCCLURE, T	SING SANDY RANCH	RT 1	KINGMAN 67068
* MCCORKLE, C & D		5301 S WOODLAWN	DERBY 67037
* MCCORMICK, RD	MI-DE-PA KENNELS	R 2 BOX 91C	LOUISBURG 66053
* MCCORMICK, VT&CE		R 1	YATES CENTER 66783
* MCDANIEL, DL			EDSON 67733
* MCDONALD, W		RT. 5	ABILENE 67410
* MCGEENEY, AJ		RT 2	SUMMERFIELD 66541
* MCGINTY, F&E	SIX MILE KENNEL	RR 2	GREAT BEND 67530
* MCGINTY, M & L		RT 1 BOX 55	SEWARD 67577
* MCGRATH, J&J			EMMETT 66422
* MCKIBBEN, F & M		PO BOX 384	WELDA 66091
* MCKIBBEN, MJ		RT 2	GARNETT 66032
* MCLAUGHLIN, S&R		RT 3	HOLTON 66436
* MCLEAN, PB	MCLEANS MINI KENNELS	300 E. KANSAS	MEDICINE LODGE 67104
* MCNALLY, DT			HAVENSVILLE 66432
* MCNICKLE, R&C	M KENNELS	RT 2	CHERRYVALE 67335
* MCPEAK, L&S			GLEN ELDER 67446
* MCPHAIL, E		BOX 725	ASHLAND 67831
* MELIA, PM & MB	POINT ROCK KENNELS	BOX 836	ELKHART 67950
* MELVIN, NK		RR 1	SOLDIER 66540
* METTLEN, D & B		RT. 1	SYLVAN GROVE 67481
* METZEN, L		RR #1	GODDARD 67052
* MEYERS, M & R		BOX 67-2A	SUBLETTE 67877
* MICHAUD, M&L		1427 WASHINGTON	EMPORIA 66801
* MICHEL, R & J		RT 2 BOX 4	LUDELL 67744
* MID-CONTINENT RESEARCH, INC.		13815 JOHNSON DR. BOX 3184	SHAWNEE 66203
* MILES, C&M		RT 2 BOX 289	BELLEVILLE 66935
* MILLER, C & M		RT 2	CONCORDIA 66901
* MILLER, PL	MILLROCK KENNELS	RT 1	HUTCHINSON 67501
* MILLER, V & N		RT. 1	BLUE MOUND 66010
* MILLER,R&C		BOX 5	SCRANTON 66537
* MILLS, B&P	MILLS KENNELS	R 4 1700 WEST OAK	INDEPENDENCE 67301
* MILLS, EM			CENTRALIA 66415
* MILNE, CG		PO BOX 8 101 NORTH ST	SENECA 66538
* MITCHELL, C&S	KINGDOM KENNELS	RT 1	VALLEY FALLS 66088
* MIZER, AM			JENNINGS 67643
* MOFFITT, RG & B		RT. 1	WASHINGTON 66968
* MONTGOMERY, EM		RR 3	OTTAWA 66067
* MOODY, GK		RT 1	HOLTON 66436
* MOORE, CR		RT 2	WAMEGO 66547
* MOORE, JE		409 W VERMONT	OSBORNE 67473
* MOORE, LK		BOX 214	HIGHLAND 66035
* MOORE, PL		RT 2	WESTMORELAND 66549
* MOORE, RR		RR 2	MAYETTA 66509
* MOORE,MF		R 1	UNIONTOWN 66779
* MOOTS, B&S	LAZY M KENNEL	RT 5 BOX 141	HUTCHINSON 67501
* MORLAND, LJ		207 E SOUTHERN BLVD	GIRARD 66743
* MORRELL, V & C		BOX 179	BLUE MOUND 66010
* MORRIS KENNELS	MORRIS KENNELS	RT 1	HOLCOMB 67851
* MORRIS, E		RT 2	FREDONIA 66736

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MORRISON, KJ		150 COTTONWOOD DR.	COLBY 67701
* MOSER, D & G		RT 1 BOX 135	WASHINGTON 66968
* MOSHER, MD & M	MOSHERS KENNELS	RT 1	MERIDEN 66512
* MOSIER, S & D	MOSADOS DOGS	RT. 1 BOX 101	STERLING 67579
* MOSTELLER, O			BERN 66408
* MULLER, C	IZZY'S POODLE PARLOR	R 1	SOLOMON 67480
* MURDIE, LE	SIR LIL LIN KENNEL	BOX 153	GARFIELD 67529
* MURPHY, S		400 WEST 12TH ST	JUNCTION CITY 66441
* MYERS, GR & V		125 WILLIAMS	DERBY 67037
* MYERS, J&G	MYERS PUPPY RANCH	R 1	ELSMORE 66732
* MYRICK, R		RR 2	PLEASANTON 66075
* NELSON, RA	NELSON KENNEL	824 CENTRAL PO BOX 156	HUMBOLDT 66748
* NELSON, S	SHANKL'S KENNELS		DELAVAN 66847
* NEWELL, C&M	CARL'S DOG PARLOR	517 N 8TH ST	LAWRENCE 66044
* NEWELL, L			CLIFTON 66937
* NEWHALL, S	NEWHALL'S KENNELS	RR 1	GREAT BEND 67530
* NEWMAN, DH	LAKE VIEW KENNELS	ROUTE 1	HOLTON 66436
* NEWMAN, R		PO BOX 173	VALLEY FALLS 66088
* NEWTON, F&W		1315 N. PLK ST.	TOPEKA 66608
* NIBLACK, T&E	NIKHAN HILLSIDE KENNELS	RT 2 BOX 17	SEDAN 67361
* NICHOLS, C		RT. 3	RUSSELL 67665
* NIEHUES, M			WETMORE 66550
* NOLTE, C		RR 1	CORNING 66417
* NONDORF, J&M	TAMRAS KENNELS	R 1	SCANDIA 66966
* NORRIS, LG		RR 1	ROSSVILLE 66533
* NORRIS, LK		RR 1 BOX 38	WINCHESTER 66097
* NOYES, C&L		BOX 147	JAMESTOWN 66948
* NUNEZ, C & MURPHY, C		RT 4 BOX 119	CHANUTE 66720
* OBERHELMAN, N		3039 JAMES ST	MANHATTAN 66502
* ODGERS, J&R	JENBE KENNELS	RT 1	CLYDE 66938
* OETINGER, R			GREEN 67447
* OGLE, D & J		306 E 6TH	CHERRYVALE 67535
* OGLE, D&P		RT 4	FREDONIA 66736
* OHLDE, M		RT 1 BOX 59	PALMER 66962
* OLLER, M&M	SHADY NOOK KENNEL	BOX 214	CUNNINGHAM 67035
* OLSON, G&E		RT 1	AXTELL 66403
* OSHEA, N			MAYETTA 66509
* OSNER, M	OSNER KENNELS	RR 2	CUNNINGHAM 67035
* OSTERHAUS, MA		BOX 72	WETMORE 66550
* OSTMEYER TB & WAND, WR	TURKEY CR RETRIEVER KENNELS	RT 2	ABILENE 67410
* OSWALD, R		315 N SECOND	CONWAY SPRINGS 67031
* OTTE, G&J	WALNUT VALLEY KENNELS	RR 1 BOX 229	GREAT BEND 67530
* OUELLETTE, L & TAYLOR, I	T & O KENNELS	501 F ST	WASHINGTON 66968
* OULLETTE, A		807 SOUTH C	WASHINGTON 66968
* PALECEK, M	MARGE KENNEL	RT 1	MUNDEN 66959
* PALENSKE, R & G		RT 3	SCOTT CITY 67871
* PALMER, G		ROUTE 4	ABILENE 67410
* PALMER, K		RT. 1 BOX 6	COFFEYVILLE 67337
* PALMQUIST, L & L	PALMRIDGE FARM KENNEL	R R 2	CONCORDIA 66901
* PAPE, E		107 E 4TH	FRANKFORT 66427
* PARADIES, A		BOX 144	MAYETTA 66509
* PARKEY, C, E & S	PARKVIEW KENNELS	R 5	HIAWATHA 66434
* PARRETT, R & M	PARRETTS KENNEL	R 1	CIRCLEVILLE 66416

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* PATTERSON R & JESSEPH R		BOX 267	CHASE 67524
* PATTERSON, D & O		RT 2	ANTHONY 67003
* PATTERSON, J		PARALLEL RD	NETAWAKA 66516
* PEDEN, R	PEDEN KENNELS	RT 2	TROY 66087
* PETERS, A,C, & C		RT 2	INMAN 67546
* PETERS, D & A		RR 1 BOX 29	CUBA 66940
* PETERS, D & J		RT 1 BOX 30	OLSBURG 66520
* PETERS, W		BOX 52	LITTLE RIVER 67457
* PETERSON, H		BOX 23	GARFIELD 67529
* PETERSON, L		RT 1 BOX 59	SYLVAN GROVE 67481
* PFEFFER, RF	LEE BOB'S KENNEL	RR 1	HOYT 66440
* PHILLIPS, C & F	HAPPY HOLLOW KENNEL	3355 N 115TH	KANSAS CITY 66109
* PHIPPS, R		7233 IDA	WICHITA 67233
* PICKETT, BJ		R 1	LONGTON 67352
* PILAND, DR		RR 1 BOX 55A	MACKSVILLE 67557
* PISERCHIA, C	CAROL'S KENNELS	PO BOX 63	KINCAID 66039
* PITMAN, RL		303 POPLAR PO BOX 274	MINNEOLA 67865
* PITSCH, L		BOX 368	ALMA 66401
* PITZER, WJ	PITZERS KENNELS	RT 1	CONCORDIA 66901
* PLATTNER, D		R 1	ONEIDA 66522
* POLLOCK, E			SOLDIER 66540
* POOL, SM		RT 2	MCCUNE 66753
* PORTENIER, H & D	FORT BISSELL KENNELS	RT 3 BOX 12A	PHILLIPSBURG 67661
* PORTER, L&A		RT 1	GOFF 66428
* PORTER, V	PORTER EQUIPMENT CO	RR 1	CLAY CENTER 67432
* PRICE, BA		3701 SHAWNEE HGTS. RD.	TOPEKA 66609
* PRICE, MR		RT 2	IOLA 66749
* PRIEB, ME			BUHLER 67522
* PRINCE, A&M		1233 WEST 18TH ST.	JUNCTION CITY 66441
* PTACEK, ER	CEDAR CREEK KENNEL	RT 3	RUSSELL 67665
* PUGH, M		RT 2 BOX 183	MAYETTA 66509
* PULLIAM, LL		7524 IDA	WICHITA 67233
* PYWELL, CW	PYWELL'S KENNELS	402 S MERIDIAN	PLAINVILLE 67663
* QUIRK, W	QUIRKS KENNELS	RR 2	READING 66868
* RAILE, C&I	I C RAILE'S ROYAL PUPPY KENNEL	R 1 BOX 372	ST FRANCIS 67756
* RAINBOLT, MW & S		RT 1	ELLINWOOD 67526
* RAINMAN, K		PO BOX 651	ULYSSES 67880
* RAINS, W&L		R 1 BOX 178	COFFEYVILLE 67337
* RATZLAFF, R		RT 1 BOX 108	MCCUNE 66753
* RAVEN, HM		RT 2 BOX 10	EDNA 67342
* RAY, RL & A		RT 1	VALLEY FALLS 66088
* REDENBAUGH, I		306 EAST DIVISION	DODGE CITY 67801
* REED, LS		BOX 514 RR 1	TONGANOXIE 66086
* REED, NM		BOX 63	SOLDIER 66540
* REIMLER, W&W		RR 4 BOX 53	JUNCTION CITY 66441
* RENFRO, DJ		1131 N KANSAS AVE	TOPEKA 66608
* RENFRO, GS		1135 N KANSAS AVE	TOPEKA 66608
* RENN, JC&T		R 2 BOX 270-D	PITTSBURG 66762
* RENNER, DL	DEVEES KENNELS	RT 1	WALLACE 67761
* RESCHKE, V & TREGELLAS, D	RESCHKE KENNEL	RT 3	SOLOMON 67480
* REYNOLDS, R&S		RR 1	CUBA 66940
* REYNOLDS, F&V	VI'S POM HOUSE	BOX 86	LONGTON 67352
* REYNOLDS, P		BOX 111	CUBA 66940

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* REZNICEK, D		RT 3	MARION 66861
* RHINE, D&D	TRI OAKS KENNELS	RR 1	NARKA 66960
* RICARD, W			WASHINGTON 66968
* RICE M & TERRENCE M	RICE KENNELS	RR 1 BOX 150	HORTON 66439
* RICE, RK	LITTLE TRIANGLE KENNEL	700 W 5TH	VALLEY CENTER 67147
* RICE, N		RT 1	MERIDEN 66512
* RICH, J		4401 N HALSTEAD	HUTCHINSON 67501
* RICHARDSON, WD		3119 N HALSTEAD	HUTCHINSON 67501
* RICHESON, DC&DK		RT 5 BOX 39	LAWRENCE 66044
* RIESCHECK, EL			SOLDIER 66540
* RINER, LR		119 NO. MAIN	HUGOTON 67951
* RITTEL, J	RITTEL'S KENNEL	RR 1 BOX 66	CHAPMAN 67431
* RITZ, GL		RR 2 BOX 15	ERIE 66733
* ROBERTS, CD	OAKHILL KENNELS	PO BOX 7	OAK HILL 67472
* ROBERTSON, C&BL	BOX R STABLES & KENNELS	RR 1	KINSLEY 67547
* ROBINSON, ME&JK	MAR KA KENNEL	601 N BOYD	CALDWELL 67022
* RODGERS, JE	JER MAY KENNELS	RR 1	CONCORDIA 66901
* ROEVER, A			ODELL 68415
* ROLES, H & FD		RT 1 BOX 154-A	MAYETTA 66509
* ROLLENHAGEN, HF			WESTMORELAND 66549
* RONSSE, E		RR 1	ST MARY'S 66536
* ROSE, L			WASHINGTON 66968
* ROSS, F		BOX 6	PAWNEE ROCK 67567
* ROTTINGHAUS, G		RR 3	SENECA 66538
* ROTTINGHAUS, GF		RR 1 BOX 28	BERN 66408
* ROUSE, G	CEE-MAR KENNEL	220 NORTH POPLAR	BELOIT 67420
* ROUTH, V		RT 1	SEDAN 67361
* ROWLAND, S & J		RR 1	MARYSVILLE 66508
* RUDOLPH, D	RUDOLPHS KENNELS	RT 1	LINCOLNVILLE 66858
* RUETTI, RL		306 E. 8TH ST.	FRANKFORT 66427
* RULE, A	RULES KENNELS	RR 2	NORTON 67654
* RULE, J & P		702 N YORK	OBERLIN 67749
* RULE, P & K		320 N. WABASH	NORTON 67654
* RULE, P & E		RT 3	NORTON 67654
* RUSH, J		R 1	BENDENA 66008
* RUSSELL, J			CENTRALIA 66415
* RUSSELL, OV		R 3 BOX 164	FREDONIA 66736
* SALING, M		BOX 343-313 N PINE	MOLINE 67353
* SALLMAN, E	SALLMAN KENNELS	BOX 64	AURORA 67417
* SALYER, SL	HAPPY HILL KENNELS	RFD 1 BOX 157F	LAWRENCE 66044
* SAND, L	OLEO ACRES KENNEL	RR 3 BOX 63A	MCPHERSON 67460
* SANDERS, JE	POTTER VIEW KENNEL	R 3 BOX 79	ATCHISON 66002
* SANFORD, CR&JM		RT 2 BOX 158	BELLEVILLE 66935
* SARTIN, ML		R 1	MCCUNE 66753
* SATTERTHWAITE, P	SATTERTHWAITE KENNELS	RT 2	UDALL 67146
* SAUCIER, R		RT 3	ABILENE 67410
* SAUVAGE, H & M			HAVENSVILLE 66432
* SAUVAGE, KE	ROCK HILL KENNEL	RR 1	ONAGA 66521
* SAVAGE, L		RR 2	SOLDIER 66540
* SAWIN, DE		RT 1	WASHINGTON 66968
* SCHAFFTER, JM&SA		RR 1	ARLINGTON 67514
* SCHIFF, D & J			SHARON 67138
* SCHMELZLE, GJ		RR 1 BOX 36	CORNING 66417

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SCHMIDT, RA		RT 2 BOX 47	NEWTON 67114
* SCHMITZ, L		RT 1	BAILEYVILLE 66404
* SCHMITZ, R			BAILEYVILLE 66404
* SCHUCKMAN, J		R 1	LORRAINE 67459
* SCHULTEJANS, C & B		RT 2	GOFF 66428
* SCHWARZ, H		BOX 672	COLBY 67701
* SCHWINN, M	S&S KENNELS	R 1 BOX 166C	ST GEORGE 66535
* SCOTT, HD		R 1 BOX 43	MANKATO 66956
* SCOTT, HD&JE	JARL'S KENNELS	Rt 2 BOX 43	MANKATO 66956
* SCOTT, RE		320 SO. LORRAINE	HUTCHINSON 67501
* SEARS, ZL		Rt 1 BOX 20	ERIE 66733
* SEDLACEK, E		Rt 1	FRANKFORT 66427
* SEE, WL&T	WHEATLAND COLLIE FARM	Rt 1	SCOTT CTY 67871
* SEEVER, H		R L BOX 71	HIGHLAND 66035
* SELFRIDGE, K&J		BOX 215	DIGHTON 67839
* SELM, EN & DM	SHADY CORNER PUPPY FARM	Rt 2 BOX 102	ATTICA 67009
* SETTLEMYER, RL & C	INDIAN CREEK FARMS	R2 2	COLONY 66015
* SHARP, MJ	SHARP KENNEL	PO BOX 8	ELK FALLS 67345
* SHEAHAN, E		R2 1 528 WEST G ST.	KINGMAN 67068
* SHEETS, D&C	CHAIR D KENNELS	R2 1 BOX 221	ASSARIA 67416
* SHELL, H		BOX 133 RR 2	VALLEY FALLS 66088
* SHELTON, J	HILLTOP KENNELS	BOX 275	SPRING HILL 66083
* SHIELDS, F	PUPPY LOVE KENNEL		GLADE 67639
* SHIPMAN, TG		RT. 1	NORTONVILLE 66060
* SHIVELY, E & B		Rf 1	WALNUT 66780
* SHROYER, D	NORTH GATE KENNELS	R2 2	MILTONVALE 67466
* SHUGHART, DL	DELTAIRE KENNELS	ROUTE 1 BOX 207	PERRY 66073
* SHULL, C&M		Rf 1	DENNIS 67431
* SHUTE, E	JERI'S KENNELS	Rf 1	RED CLOUD 68970
* SIEMSEN, RL & M	ROCK POST KENNELS	RURAL ROUTE	HOLYROOD 67450
* SINCLAIR, F OR K		RT 2	IOLA 66749
* SINCLAIR, HL		311 SO VERMONT	IOLA 66749
* SINCLAIR, JR & ME		R 1 BOX 170	HUMBOLDT 66748
* SIPES, M		RT 1	ST MARYS 66536
* SIS, B	SIS KENNELS	R 3 BOX 273	CONCORDIA 66901
* SMART, LE	SMART'S HILLTOP KENNELS	RR 1 BOX 102	BURLINGTON 66839
* SMETHERS, GM & LW		RR 2	GARNETT 66032
* SMILEY, G	SMILEY'S KENNELS	RT 1	LARNED 67550
* SMILEY, GL		BOX 158	PAWNEE ROCK 67567
* SMITH ENTERPRISES, INC		RR 1 BOX 80BB	GARDEN PLAIN 67050
* SMITH, CS		RT 1	CAMBRIDGE 67023
* SMITH, D & MCCANN, B	ANIMAL WORLD	213 S MAIN	MCPHERSON 67460
* SMITH, DA			SCOTTSVILLE 67477
* SMITH, E		RT 2	ERIE 66733
* SMITH, F & L		RT 2	GOFF 66428
* SMITH, H	YOCKEY CREEK KENNEL	RT 1 BOX 149	DELPHOS 67436
* SMITH, J&B	WINDY HOLLOW KENNELS	RFD1, BOX 76	FAIRVIEW 66425
* SMITH, JW & CA		RT 1	EDNA 67342
* SMITH, L	SMITH'S KENNELS	RT 3	CLYDE 66938
* SMITH, L&T		BOX 148	JAMESTOWN 66948
* SMITH, M		605 NO PRAIRIE	ST JOHN 67576
* SMITH, MF		RT 3 BOX 81	LYONS 67554
* SMITH, MR	SMITH'S KENNEL	RR 1	DELIA 66418

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SMITH, V		RT. 1	PLEASANTON 66075
* SMITH, ZM		705 N SYCAMORE	IOLA 66749
* SNODGRASS, V&G		923 KING	ATCHISON 66002
* SNYDER, M & E		RT. 4	BELOIT 67420
* SOBBA, DJ		RR 1	RICHMOND 66080
* SOLZE, R&J			UTICA 67584
* SOMMER, M		217 OHIO	NEODESHA 66757
* SORELL, C		P.O. BOX 76	MORGANVILLE 67468
* SOUTHERLAND, JR., R	VALLEY VIEW KENNELS	PO DRAWER B	SEDAN 67361
* SPARKS, B	SPARKS KENNELS	RT 4 BOX 1154	SALINA 67401
* SPEAR, A & D	LAZY S KENNEL	RT 1	CONCORDIA 66901
* SPEER, R & S		RT 2 BOX 77	ELK CITY 67344
* SPIRE, AW		RT 1	INDEPENDENCE 67301
* SPITTLES, LM	SPITTLES KENNELS	ROUTE 1	ALTA VISTA 66884
* SPRESSER, A&N	SPRESSER KENNELS	5TH & MINN. ST	SELDEN 67757
* STACKLEY, F & P	HOSTA'S KENNEL	R 4	EL DORADO 67042
* STAIR, J		R 2 BOX 282D	INDEPENDENCE 67301
* STALLBAUMER, J		R R 2 BOX 16	SENECA 66538
* STALLBAUMER, P		RT 1	CENTRALIA 66415
* STALLBAUMER, R		RT. 1 BOX 21	SENECA 66538
* STANDISH, S		9015 KANSAS AVE	KANSAS CITY 66111
* STANGE, LH		R 1	ELSMORE 66732
* STEELE, DA		BOX 65	CORNING 66417
* STEELE, ML			GOFF 66428
* STEFFENS, DG		20600 W 55TH	SHAWNEE 66218
* STEFFEY, J&P	DELEWARE VALLEY KENNELS	BOX 453	OSKALOOSA 66066
* STEINLAGE, F		RT 1	CORNING 66417
* STEINLAGE, M		1105 WALNUT ST.	SENECA 66538
* STELLWAGEN, L & R		RT 1	SILVER LAKE 66539
* STEPHENS, H	STEPHENS KENNELS	RT 1 BOX 130A	INDEPENDENCE 67301
* STEVENS, AT&GR	STEVENS KENNELS	R 1	VALLEY FALLS 66088
* STEVENS, RJ		BOX 867 R 2	MANHATTAN 66502
* STEVENSON, V&J		R 1	NIOTAZE 67355
* STOCK,V		RT 1 BOX 61	BEATTIE 66406
* STOLTE, E		RT 1 BOX 140	LINN 66953
* STONE, LK			LEONARDVILLE 66449
* STOPPEL, B		RT 1	RUSSELL 67665
* STOVER, J		150A MANNING	WINFIELD 67156
* STRAHM, JD & G	G&J KENNELS	RT 5	HIAWATHA 66434
* STRAWN, P & J		R 4	YATES CENTER 66783
* STREICH, S		R 1	MAYETTA 66509
* STUHLSATZ, JP		RT 1	GARDEN PLAIN 67050
* SUBERA, A & OM		RT 1 BOX 58	CALDWELL 67022
* SUMNER, L & N		RR 1	HAVENSVILLE 66432
* SURFACE, BL		BOX 127	MARQUETTE 67464
* SUTTON, C	SKYVIEW KENNEL	RT 1	MARYSVILLE 66508
* SWARTZ, H&N		BOX 115	ALEXANDER 67513
* SWEARINGIN, DG		R 3	INDEPENDENCE 67301
* SWEET, MY		RT 2 BOX 43	FORMOSO 66942
* SWIHART, R		BOX P-73	QUINTER 67752
* SWINTON, WL		BOX 162 905 W BLAINE	PRATT 67124
* SWISHER, G		RR 1 BOX 868	DELIA 66418

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SYNOGROUND, R&C & LONG, J D	THE KENNEL	99 N 61ST ST	KANSAS CITY 66102
* TALLEY, L		BOX 43	CORNING 66417
* TAMERIUS, C&D		BOX 13	CUBA 66940
* TANGEMAN, V	TANGEMANS KENNELS		CORNING 66417
* TATE, L	TATE'S KENNELS	BOX 125	SCANDIA 66966
* TAYLOR		BOX 248	DOUGLASS 67039
* TAYLOR, IL & EA		RT 1	SOLOMON 67480
* TEETZEN, WE		R 1 BOX 23	JUNCTION CITY 66441
* TERFLINGER, M&K		R 1 BOX 40	MCCUNE 66753
* TESELLE, JL		BOX 191	DOWNS 67437
* TESSENDORF, L		RR 1 BOX 74	CIRCLEVILLE 66416
* TETER, R&D	DAR-RICH HORSE FARM	RT 1	MAIZE 67101
* THAREL, L		RT 2 BOX 731	MULVANE 67110
* THERACON INC		BOX 1493-1000 NE 39TH ST.	TOPEKA 66601
* THIEME, L			BERN 66408
* THIEME, M		RT. 1	WETMORE 66550
* THIRY, RM		RT 1 BOX 104	MCLOUTH 66054
* THOMAS, J		R 1 BOX 70	PERU 67360
* THOMAS, JE&VM		311 S. 6TH	INDEPENDENCE 67301
* THOMPSON, A		RT 3 BOX 450	INDEPENDENCE 67301
* THOMPSON, A		612 IOWA	HOLTON 66436
* THOMPSON, OM & FA	HILLSIDE KENNEL	RT 2	CONCORDIA 66901
* THOMPSON, S	TOY ACRES KENNELS	RT 2	HARPER 67058
* TIEMEYER, S & S		RT 1	LAWRENCE 66044
* TINKLIN DOG KENNEL INC		RT 2	GOFF 66428
* TODD, J & D		RT 2	FORMOSO 66942
* TOLIVER, ME		511 OAK	OVENBROOK 66524
* TOMPKINS, A&V	TNT KENNELS	BOX 115	ATHOL 66932
* TONNE, RA		RR 1 BOX 188	ASSARIA 67416
* TOWER, MF	T 3 KENNELS	RT 1	ANTHONY 67003
* TRAILANE KENNELS INC		RT 1	SOLDIER 66540
* TROUTMAN, D & N		BOX 14	ALTOONA 66710
* TRUHLICKA, TL	TSC KENNELS	RT 1 BOX 90	BARNES 66933
* TUCKER, K		RT 1, BOX 5	WELDA 66091
* TUCKER, L		RT 1 BOX 89A	WELDA 66091
* TUCKER, U	TUCKER ST BERNARD FARM	RT 1 BOX 5	WELDA 66091
* TURK, DJ		RT 1	BARNES 66933
* TUTTLE, DA		RT 1	LUCAS 67648
* TYLER, TR		7945 NE SHERMAN RD.	MERIDEN 66512
* UBEL, B		RT 2	WESTMORELAND 66549
* UHRLAUB, EK	TWIN PINES KENNEL	RT 1	MERIDEN 66512
* ULLERY, L		RR 2	SCRANTON 66537
* ULLERY, S		RR 2	SCRANTON 66537
* UNRUH, CJ			ARLINGTON 67514
* USHER, CB		110 DORA AVENUE	SEDAN 67361
* UTTINGER, JR	DICK'S ANIMAL WORLD	16144 EAST KELLOGG	WICHITA 67230
* VAN EPPS, J		ROUTE 1	ROBINSON 66532
* VAN GOSEN, B		RFD 2 BOX 52	MCLOUTH 66054
* VAN LOENEN, GD		BOX 153	BOGUE 67625
* VEST, JR., SP		BOX 40	IOLA 66749
* VINCENT, J & I		RR 1	HEALY 67850
* VINDUSKA, WF		RT 3 BOX 163	MARION 66861

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	VINING, CB		RR 1 BOX 643	MULVANE 67110
*	VINSON, S		700 NE 3RD	ABILENE 67410
*	VINSONHALER, B		509 N A STREET	SMITH CENTER 66967
*	VISONHALER, J		RT. 1 BOX H1	GAYLORD 67638
*	VLK, W	VLK'S HAMSTERY	704 N. CEDAR RT. 3	MARION 66861
*	VOIT, C		BOX 111	NAVARRE 67469
*	WACKER, L&R	SMOKY RIVER KENNELS	RT 1 BOX 73	KANOPOLIS 67454
*	WAGNER, D		305 UTAH ST	HIAWATHA 66434
*	WAITE, O		RT 2	KINGMAN 67068
*	WALBRIDGE, R		ROUTE 2	MCLOUTH 66054
*	WALKER, CL		5555 SO WOODLAWN	DERBY 67037
*	WALKER, DC&JS	HIGHLAND CREEK KENNEL	BOX 472	MACKSVILLE 67557
*	WALKER, R&P	SILVERDALE KENNELS	RT 1 BOX 62	MACKSVILLE 67557
*	WALTER, M&G	WALTER KENNELS	R 2 BOX 298	PITTSBURG 66762
*	WALTERS, RG & M	PRAIRIE VIEW KENNELS	RT 1	CASSODAY 66842
*	WALTON, S		R 4 BOX 102A	FREDONIA 66736
*	WARD, C&E		RT 1	ELK CITY 67344
*	WARD, LH			COLONY 66015
*	WARD, M&M		RS	IOLA 66749
*	WARNICA, RE		RT 1 BOX 51	MARION 66861
*	WARREN, L	W-6 KENNELS	R 2	IOLA 66749
*	WASSENBERG, A	BLACKTOP KENNELS	RT 1	BAILEYVILLE 66404
*	WASSENBERG, LR		901 HILLCREST P O BOX 465	MARYSVILLE 66508
*	WATERMAN, E&N		RR 1 BOX 135	GLASCO 67445
*	WATKINS, G & A		RT 1	HOLTON 66436
*	WEATHERHEAD, D	D & J KENNELS	ROUTE 2	CONCORDIA 66901
*	WEBB, W & D	WJ KENNELS	2421 NO 6TH	DODGE CITY 67801
*	WEBER, W&J		115 N CHESNUT	BELOIT 67420
*	WEBSTER, A & R		R1 BOX 59E	FORT SCOTT 66701
*	WEBSTER, M&W		R 2 BOX 102	CHANUTE 66720
*	WEIXELMAN, RD		5943 NW LEEDY RD	TOPEKA 66618
*	WELLS, H & S		FORT DODGE RD.	DODGE CITY 67801
*	WENGER, LV		R #1	POWHATTAN 66527
*	WENGER, VC		RT 1	POWHATTAN 66527
*	WERTZBERGER, D&S		RR 2 BOX 52	ALMA 66401
*	WEST, RR	WEST KENNELS	RT 2	COLONY 66015
*	WESTHOFF, N & J		RT 1 BOX 95	ERIE 66733
*	WHITE, R & S		1101 SO. HIGHLAND	CHANUTE 66720
*	WHITE, WL	CEDAR POINT KENNEL	312 E. BOWERS	SEDAN 67361
*	WHITED, PD	PAT'S CANINE BOUTIQUE	603 N JACKSON	PRATT 67124
*	WHITWAM, D		1528 E 22ND ST	TOPEKA 66605
*	WIDMAR, G	THE WIDMAR'S	RT 3 BOX 61	GIRARD 66743
*	WIESNER, DJ		316 N. CEDAR	HOISINGTON 67544
*	WIETHARN, C		RR 1	CLAY CENTER 67432
*	WIGTON, B	WIGTON'S CHIHUAHUAS	RT 2 BOX 106	COLUMBUS 66725
*	WILKINS, P			MILTONVALE 67466
*	WILLHAUS, M		RT 2	STERLING 67579
*	WILLIAMS, E & I		315 W BUFFALO	GIRARD 66743
*	WILLIAMS, L		ROUTE 4	HIAWATHA 66434
*	WILSON, F	LAZY ACRES KENNELS	BOX 109D RT 2	LOUISBURG 66053
*	WILSON, G & D	ELMWOOD KENNELS	RT L BOX 383	JEWELL 66949
*	WILSON, L		RR 1	SCRANTON 66537
*	WINDMEYER, F	WINDY'S KENNEL	RFD 5	HIAWATHA 66434

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* WINT, VJ & L		RT 4	INDEPENDENCE 67301
* WISE, W&Z	WINDY HILL KENNEL	RR 3 BOX 152A	LAWRENCE 66044
* WISEMILLER, W&R	RUMAX KENNELS	RT. 3 BOX 17	SABETHA 66534
* WITT JR, NT		BOX 124	HUDSON 67545
* WITT, EJ		ROUTE 2	WAMEGO 66547
* WITTEN, T&C		RT 4 BOX 255	CHANUTE 66720
* WITTMER, J		RR 1 PO BOX 49	BERN 66408
* WOERNER, R		RR 1 BOX 82	LINN 66953
* WOLF, P		BOX 46	MORGANVILLE 67468
* WOLFE, AL & L		518 E 6TH APT A	HAYS 67601
* WOLFE, RE		RT 1	MULVANE 67110
* WOMELSDORF, R & I	WOMELSDORF KENNELS	RT 1 BOX 89	LA HARPE 66751
* WOODHEAD, G		1339 HASKELL	LAWRENCE 66044
* WOODS, D&E	D&L KENNELS	BOX 421	ELKHART 67950
* WORM, L			WEBBER 67770
* WORTHY, D	WORTHY'S KENNELS	BOX 106	PARSONS 67357
* WORTMAN, L		RT 1 BOX 111	MEDICINE LODGE 67104
* WRAY, JA	WRAY'S KENNELS	RT 2	NORTON 67654
* WRAY, W&J		315 OKLAHOMA	LAWRENCE 66044
* WRIGHT, JG	WRIGHT-WAY KENNELS	RT 1 BOX 90	HOME 66438
* WRISLEY, LK	LYNETTE PRAIRIE KENNELS	RT 2	PRETTY PRAIRIE 67570
* WROSCH, G&V			MCLOUTH 66054
* WULLSCHLEGER, P		RT. 1 BOX 958	HOME 66438
* WYLIE, K&J		BOX 22	HAMILTON 66853
* YACKO, L		302 OAK ST	CAWKER CITY 67430
* YARNELL, V		R 1 BOX 196	ERIE 66733
* YEUBANKS, R & G	YEUBANKS KENNEL	R1	CHERRYVALE 67335
* YONNING, BJ		R2	WESTMORELAND 66549
* ZABEL, E & D	FLO - EZ FARMS	RFD 1	WHEATON 66551
* ZEINER, E		1000 RICE RD	TOPEKA 66607
* ZERGER, C & A		500 AVENUE A WEST	KINGMAN 67068

KENTUCKY
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BLACK, D		R 1	SEDALIA 42079
* HILL, MD		RURAL 2 BOX 204	CECILIA 42724
* HOFFMAN, J	A-1 TROPICAL FISH & PET CENTER	BOX 501	CORBIN 40701
* LUCAS, P		RT. 11 BOX 8	BEATTYVILLE 41311
* NORTHCUTT, ME	GOODWILL KENNELS	RT 5 BOX 109	CYNTHIANA 41031
* PALMER, HL	BALAGHBEAMAS KENNEL	RT 4	FULTON 42041
* ROBERTS, WC	BEST PETS & LABORATORY ANIMALS	RT. 2 BELLS MILL RD.	SHEPHERDSVILLE 40165
* SMITH, L & KELLEY, C	S & S RES ANIMALS, HILLTOP KENNELS	PO BOX 151	LAGRANGE 40031
* WHITEHEAD, D	WHITEHEAD KENNELS	900 RIVERSIDE DRIVE	WURTLAND 41144
* WILLIAMS, JU	WILLIAMS KY CAVIES	7811 DOBSON RD	FERN CREEK 40291
* WOOD, JK		RT 1	BAGDAD 40003

LOUISIANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BISTINEAU TROPICAL FISH, INC		PO BOX 5897	BOSSIER CITY 71010
* BREAZEALE, RT	DOGWOOD KENNEL'S	RT 1 BOX 159-A	BOGALUSA 70427
* CARROLL, L		RT 1 BOX 231	ZACHARY 70791
* ELROD, N	REDWOOD KENNEL	RT 1 BOX 30	WINNSBORO 71295
* GOYLE, JH		RT 1	MT HERMON 70450
* GUILLOT, C		RT 2 BOX 143	WALKER 70785
* GULF SOUTH RESEARCH INSTITUTE		PO BOX 1177	NEW IBERIA 70560
* HARTNESS, L		903 N CENTER ST	RUSTON 71270
* HENDERSON, K & D	KENDA KENNELS	RT 1 BOX 172	SPEARSVILLE 71277
* OZONE PET SUPPLY		PO BOX 786	LACOMBE 70445
* SMITH, DK		RT 1 BOX 1085	LAKE CHARLES 70601
* SMITH, WV	WAG-A-TAIL KENNELS	PO BOX 350	BERNICE 71222
* STEPHENS, R		STAR RT BOX 232	FERRIDAY 71334
* STRAIN, A	CLEARVIEW PET SHOP	4134 VETERANS BLVD.	METAIRIE 70002
* SUMNER, C & E	ALPHA KENNELS	RT 1 BOX 29	IDA 71044
* WAUBUN LABORATORIES		DRAWER C	SCHRIEVER 70395
* WOOLLEY, EJ		RT 7 BOX 91	DENHAM SPRINGS 70726

MAINE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANDERSON, G	MAPLE GROVE RABBITRY	CHADSY RD	POWNAL 04069
* BANGOR PET INC		RFD 3 BOX 22	BANGOR 04401
* BIG MOOSE CORP	DOWN EAST PET CNTR.	PROMENADE MALL	LEWISTON 04240
* BOUCHER, AF	HIDE-A-WAY RABBITRY	23 SPEIRS ST	WESTBROOK 04092
* DENICOLA, G & G	BIG BUNNY BUSINESS	RFD 1 BOX 143	CORINNA 04928
* HEIKKINEN, DA		RT 1 BOX 157	TURNER 04282
* KELLY, FC		52 WESTMINSTER ST	PORTLAND 04103
* LARELLE, L&M	ACADIA FARM	RFD 3 BOX 372	ELLSWORTH 04605
* LINE ROAD AUCTION, INC		RFD 1 LINE RD	GORHAM 04038
* MCLAREN, G&R		THUMPER FARM	HARRISON 04040
* PERLEY, HD	WHITE ANIMAL FARM	LANDING RD RFD 4	SCARBORO 04074
* SHAWLEY, J & J		130 FALVEY ST	BANGOR 04401
* SKIBICKI, J		5 SAYWARD ST	KENNEBUNK 04043
* SMITH, E&M	NORTHLAND WOLF COLONY	BOX 258	WELLS 04090
* SMITH, LM		OLD BUXTON RD	SACO 04072
* SMITH, M	TWIN OAKS FARM	CHUTE RD	SO. WINDHAM 04082
* TELACO	BIO RESEARCH CONSULTANTS	RFD 1 BOX 101-8	BAR HARBOR 04609
* THE JACKSON LABORATORY			BAR HARBOR 04609
* WAYCOTT, SR NE		BUXTON ROAD	SACO 04072
* WILLIAMS, EE		RFD 5 OLD BRUNSWICK RD	GARDINER 04345
* WORLD OF PETS		528 MAIN ST	SOUTH PORTLAND 04106

MARYLAND
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CHAUVENET, DS		BOX 454	CHESTERTOWN 21620
* COMMANDO FARMS		PO BOX 1281	LANDOVER 20785
* EASTERN PET & HOBBY SHOP INC		423 EASTERN BLVD	BALTO 21221
* FCKERT, WL		HARNEY ROAD	TANEYTOWN 21787
* FAUNA INC		3696 OLD SILVER HILL RD	SILVER HILL 20023
* FRYE, WE	B & H RABBITRY	13700 TRAVILAH RD	ROCKVILLE 20850
* GEORGES PET SHOP, INC		5397 ANNAPOLIS ROAD	BLADENSBURG 20710
* HAHN, RA	LITTLE THINGS UNLIMITED	RT 3 BOX 126	THURMONT 21788
* HICKMAN, F		RT. 1 BOX 760	CHESTERTOWN 21620
* J.E.M. RESEARCH,INC.		3930 KNOWLESAVE	KENSINGTON 20795
* KENNEDY, L		308 N LOCUST ST	HAGERSTOWN 21740
* L&M PETS INC		RT 6 BOX 384	FREDERICK 21701
* LATTA, BR	R&F FARMS	7859 CLARK STATION RD	SEVERN 21144
* LITTON BIONETICS INC		5516 NICHOLSON LANE	KENSINGTON 20795
* REINHARDT, RE	SILVER HILL LIVE STOCK	4700 NEWMAN RD	TEMPLE HILLS 20031
* SAVAGE, F	WATERS AQUARIUM	6 N FREDERICK AVE	GAITHERSBURG 20760
* SMITH, GW		RD 1 BOX 1178	HENDERSON 21640
* TROPICAL FISH CITY INC		13312 LAUREL BOWIE RD	LAUREL 20811
* WALLS, JR., EE		RD 1 BOX 57A	CENTREVILLE 21617
* YODER, E			GRANTSVILLE 21536

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANIMAL RESEARCH CENTER OF MASSACHUSETTS		CHARLES LANE ROAD	NEW BRAINTREE 01531
* BACHAND, R	BIRDLAND AVIARY	22 LAURA KEENE AVE	ACUSHNET 02743
* BERRY, R	BOB'S BUNNY BARN	161 MATFIELD ST	W BRIDGEWATER 02379
* BIO-RES INC/BIO-RES CONS INC		9 COMMERCIAL AVE.	CAMBRIDGE 02141
* BOSTON PET SUPPLY		200 FIRST STREET	CAMBRIDGE 02142
* BOWS, RC	ASSOCIATED RABBIT INDUSTRIES	PO BOX 14	AVON 02322
* CHARLES RIVER BREEDING LABORATORIES, INC		251 BALLARDVALE STREET	WILMINGTON 01887
* CONNECTICUT VALLEY BIOLOGICAL SUPPLY COMPANY, INC		VALLEY ROAD	SOUTHAMPTON 01073
* CZEPIEL, JS		26 PADEREWSKI ST	CHICOPEE 01013
* DROWNE, L		68 SADDLE HILL RD	HOPKINTON 01748
* DUSSFAULT, J & T		1765 BAY ST	TAUNTON 02780
* ELM HILL BREEDING LAB		71 ELM ST	CHELMSFORD 01824
* EXOTIC FISH & PET WORLD, INC		49 RUSSELL STREET	HADLEY 01035
* FAY JR, AL		11 RAYMOND RD	BURLINGTON 01803
* FERRIS, PG		180 NO MAIN ST	MIDDLETON 01949
* FINCH, AC	PINELAND FARM KENNELS	93 LEONARD ST	RAYNHAM 02767
* GAULITZ, DE		154 PINE ST	FRANKLIN 02038
* GEORGE C. THORSEN, INC.		110 TURNPIKE RD	FAYVILLE 01745
* GREENE JR, KE&PA	CRANBERRY HIGHWAY PET VILLAGE	115 EAST GROVE ST	MIDDLEBORO 02346
* JENKS, FH		21 JAMES ST	FEEDING HILLS 01030
* KATZ, S		9 STRAWBERRYHILL LN	DANVERS 01923
* LANDRESS, M	MARGARET'S HOME FARM	BARTON HEIGHTS	GREENFIELD 01301
* MASSON, PP	MASSON'S SMALL ANIMAL FARM	75 GOODHUE AVE	DRACUT 01826
* NEW ENGLAND FARMS		19 CHARLES ST.	BOSTON 02100
* PARADISE GARDENS INC		14 MAY ST	WHITMAN 02382
* PERRY, TD		84 WINTER ST	MARLBORO 01752
* PLATT, AR	PINE ACRE RABBITRY	299 EAST MAIN ST	NORTON 02766
* RESEARCH RESOURCES AND SERVICES FOUNDATION INC		1 PINE HILL DR	SOUTHBOROUGH 01772
* SOUTHWICK BIRDS & ANIMALS INC		RFD	BLACKSTONE 01504
* STEPHENS, JN	FARM 44 RABBITRY	BOX 24 CARMEL ST	MIDDLEBORO 02346
* SWIFT, LF	SWIFT & SONS WHITE OAK RABBITRY	95 GOODALE ST.	PEABODY 01960
* THOMAS FAZIO LABS		SOUTH MAIN ST.	BERKLEY 02780
* TUCKER F & WOODFORD EJ	RESEARCH DONOR SERVICE	908 HANCOCK ST	ABINGTON 02351
* TUFTS-NEW ENGLAND MED CTR INC		171 HARRISON AVE	BOSTON 02111
* TUMBLEBROOK FARM, INC		RFD 1 BOX 9	WEST BROOKFIELD 01585

MICHIGAN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALBER, H		RR 5	ANN ARBOR 48104
* ANN ARBOR BIOLOGICAL CENTER, INC		6780 JACKSON ROAD	ANN ARBOR 48103
* AYRES, S		1037 BUTH DR, NE	COMSTOCK PARK 49321
* BEEKMAN, A		3865 N PILLON RD	MUSKEGON 49445
* BLACK LAGOON INC		504 N MAIN ST	ROYAL OAK 48067
* BROWN, DE		17911 KENOWA AVE	CONKLIN 49403
* COOPER, FJ		12595 BUDD RD	BURT 48417
* COOPER, JE		19 WAINRIGHT ST	KENT CITY 49330
* DAY, LA	DAYS RABBIT FARM	1688 N SHERIDAN RD	EDMORE 48829
* DESHONE, J&M	M&M PET SUPPLY	5750 NM-13 P.O. BOX 566	PINCONNING 48650
* DETTMER, DJ	DETTMERS BUNNY PATCH	BOX 109 GARFIELD RD	CARSON CITY 48811
* EWERT, M	EWERT ENTERPRIES	2059 S. 3RD ST	NILES 49120
* FOSTER, SD&GR	SHIP A-HOY PET & HOBBY SHOP	221 W HOUGHTON AVE	WEST BRANCH 48661
* FREEMAN, CF	WIN SHUR'S	4512 DIXIE HWY	DRAYTON PLAINS 48020
* HODGINS, GE & FR	HODGINS KENNEL	6110 LANGE RD	HOWELL 48843
* HUNT, DJ		6237 VINTON AVE	COMSTOCK PARK 49321
* INTERNATIONAL ANIMAL EXCHANGE, INC		1489 E NINE MILE RD	FERNDALE 48220
* INTERNTL RES & DEV CORP		500 N MAIN ST	MATTAWAN 49071
* JACKSON, J		434 ELM ST.	COLON 49040
* JAENICKE, J	BETTY'S PET & GDN. CTR.	105 BYRON DRIVE	HOUGHTON LAKE 48629
* KAUFFMAN, A & G		1048 SUNNYDALE	BURTON 48509
* KLINGENBERG, RG		4504 137TH AVE	HAMILTON 49419
* LABORATORY ANIMALS INC		2045 LAKE MICHIGAN DR.	GRAND RAPIDS 49504
* LABORATORY RESEARCH ENTERPRISES, INC		6321 SOUTH 6TH STREET	KALAMAZOO 49009
* LANGSHAW, N & D	LANGSHAW FARMS	R1 BOX 256	AUGUSTA 49012
* MACK, C & D		8416 BECKER RD.	CEDAR SPRINGS 49319
* MARTIN, RE	PECULIAR PETS	5150 HIGHLAND RD	PONTIAC 48054
* RADZILOWSKI, E	MEADOWBROOK FARMS & CO	10533 GRATIOT ROAD	RICHMOND 48062
* RICHARDS, RL		2056 HOOVER RD	FLINT 48504
* SHANKIN, E	SHANKINS RABBITRY	8812 WESTMINSTER	WARREN 48089
* STEVENS, L	R. AND L. PET SHOP	PO BOX 169	ATLANTA 49709
* TAFT, MT	A & M KENNELS	RT. 1 BOX 467	ESCANABA 49829
* ULRICH, ME		RR 2 POLK RD.	STANWOOD 49346
* VITEK, R & C	VITEK'S RABBITRY	R 2 1670 S AIRPORT RD	ST. JOHNS 48879
* WALLACE, KD	OAKHILL RABBIT RANCH	1753 106 AVE	OTSEGO 49078
* WOUDENBERG, RJ&RL	R & R RESEARCH	RR 2 19256 W KENDAVILLE RD	HOWARD CITY 49329

MINNESOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABRAHAMSON, P & K	P & K KENNELS	RR 1	CANTON 55922
* ALLIED BIOMEDICAL CO., IN C.		1001 18TH ST SW	AUSTIN 55912
* ANDERSON, K & P		RR 1	MOTLEY 56466
* ANDERSON, RS		RR 2	STARBUCK 56381
* BAKER, G	GEM ANIMAL FARMS	BOX 212	HUTCHINSON 55350
* BANKE, HW	HAROLD'S RABBITRY	206 S HICKORY ST	LESTER PRAIRIE 55354
* BEISE, M	BEISE KENNELS	410 CREEK LANE	JORDAN 55352
* BENIGNI, KS	THE SKUNK WORKS		COTTON 55724
* BERGLAND, K		RR 1 BOX 21	ELLENDALE 56026
* BERNU, A		R 1 BOX 55	BOVEY 55709
* BIO LAB CORPORATION		5228 CENTERVILLE ROAD	ST PAUL 55110
* BLAINE MIDWAY ALL PETS IN C.		10911 RADISSON RD. NE	BLAINE 55434
* BLETH, JE & ZB	SNOWCREST KENNEL	RT 8 BOX 552	BEMIDJI 56601
* BOEVE, J		RR 1 BOX 92	BEAVER CREEK 56116
* BOLDT, PM	BIG DADDYS RABBITRY	RR #3 BOX 84	BLOOMING PRAIRIE 55917
* BOOMERANG RABBITRY, INC.		RT. 2 BOX 27	BIRD ISLAND 55310
* BRANDT, V	PRETTY PINK CATTERY	RT. 1 BOX 148	AUSTIN 55912
* BRAUN, D		R 2 BOX 198	WORTHINGTON 56187
* BROLIN, B	BRO.IN PETS	1229 PORTLAND AVE.	ST. PAUL 55104
* BRUST, PS	OAK CREST KENNELS	4770 S ROBERT ST.	INVER GROVE HGTS 55075
* BULAU,P&H		RR 2 BOX 219	GLENCOE 55336
* BUTLER, DP	BUTLER'S ARIST ARAB KEN	RT 1 BOX 51	BRAINERD 56401
* CAPRANOS, T	T&T HAMSTER HUT	1920 4TH AV NW	AUSTIN 55912
* CARLSON, DM	TONKA PETS	4330 SHADY OAK ROAD	HOPKINS 55343
* CHANCE, W		RT 3	ST. JOSEPH 56374
* CITY OF ST. JAMES	CITY OF ST JAMES	120 ARMSTRONG BLVD. SO.	ST JAMES 56081
* DAVIDSON, GN	DAVIDSON'S FUR FARM	ROUTE 2 BOX 128	ANNANDALE 55302
* DEAKINS, H	NEWFOUNDLAND KENNEL & FARM	RTE 1	PARK RAPIDS 56470
* DIEPOLD,R		RR1	STEWART 55385
* DOUBLER, BB	SUNNY ACRES KENNEL	RR 2	WALNUT GROVE 56180
* DRAEGER, D & MORTENSON, F	DAD & MACK PETS	13634 JAY ST	ANOKA 55303
* EGGESTEIN, R	CC FARM & KENNEL	R 2	ANNANDALE 55302
* ERICKSON, K	KAY JO'S COCKERS	15647 TERRITORIAL RD	MAPLE GROVE 55369
* FERGUSON, R		RT 1	CLEARWATER 55320
* FINNE, L&K	PONDEROSA KENNEL		WEST CONCORD 55985
* FISHER, R		BOX 236	HUTCHISON 55350
* FRINK, DM		RT 2	PALISADE 56469
* GIESE, C	OAK RIDGE GAME FARM		DONNELLY 56235
* GLESNE, D	EVANSLAND KENNELS		SUNBURG 56289
* GULDEN, M & S	THE DOG HOUSE	RT 1	KANDIYOHI 56251
* HAMLETT L & MYERS C	OAK CREST RABBITRY	5725 BLAKE RD. APT 206	EDINA 55436
* HAROLD HATZ FUR FARM			WALTERS 56092
* HARRINGTON, D		RR 2	CALEDONIA 55921
* HAWLA, C & S	HAWLA'S ROYAL OAK KENNELS	RT 2 BOX 117	RICE 56367
* HERNESS, G	SEWELL LAKE KENNEL	BOX 34	DALTON 56324
* HERRMANN, M	DOUBLE H COUNTRY KENNEL	RT 2 BOX 125	PIERZ 56364
* HIPPERT, D		RT. 1	KASSON 55944
* HOCHMAYR, F&I	DEER FOREST	BOX 46	NISSWA 56468
* HOEHNE, KF			PINE ISLAND 55963
* HORLAND, P & D	PAT'S COUNTRYSIDE KENNELS	RT 1	ROTHSAY 56579
* HUBNER, R		R4 BOX 125	PIPESTONE 56164

MINNESOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HUNTER, R&W	MAPLELANE KENNEL	RT 1 BOX 148	WAVERLY 55390
* INTERNATIONAL BIOLOGICS, INC.		531-9TH ST NW	NEW BRIGHTON 55112
* JOHNSON, EM		RT 2 BOX 33	SAUK CENTRE 56378
* KLENKE, N		NORTH OAK STREET	RACINE 55967
* KNUTSON, D&J	D. J. DOBERMANS	RT 2	LAKEFIELD 56150
* KONZE, M&V	RIVERSIDE KENNEL	STAR RT	ONAMIA 56359
* KRAFT, KG	KRAFT'S GAME FARM	RR 1	RACINE 55967
* KROHNBERG, LE		RR 2	BLOOMING PRAIRIE 55917
* KROHNBERG, LE		RR 2	BLOOMING PRARIE 55917
* LACY, RL	3-K GERBIL RANCH	2498 COHANSEY ST	ST PAUL 55113
* LAMBERTSON, V		BOX 173 RR 2	STEWART 55385
* LATZIG, A	LATZIG MINK RANCH	RT 1, BOX 58	HOWARD LAKE 55349
* LUCHT, W		R 3	OSSEO 55369
* MADSEN, DK	MADSEN SHOOTER SUPP	921 E 8TH	SPENCER 50301
* MALZAHN, JW		850 GREAT PLAINS, BLVD	CHASKA 55318
* MAROHL, J	TALLY-HO KENNELS	RR 1	HAWLEY 56549
* MATHES, JR., HL	SHADYWALK KENNELS	RT 1 BOX 180A	OGILVIE 56358
* MATTER, A	MATTER'S KENNEL	RT 5 BOX 92	AUSTIN 55912
* MATY, AL		345 MICHIGAN ST	ST PAUL 55102
* MCALLISTER, R&J		RT, 1 BOX 308	SHAKOPEE 55379
* MCCONKEY, GW	C & J KENNELS	RR 2	BREWSTER 56119
* MELLEMA, NI		RR 4-BOX 38	WORTHINGTON 56187
* MENNING, R		RR 1 BOX 300C	EDGERTON 56128
* MICHELS, T & GUSTAFSON, G	WILLMAR PET SUPPLY	LOT 18 MOBILE ESTATES	WILLMAR 56201
* MILLER, T&J&CHAMPLIN, F	MILL-CHAMP KENNELS	RT 3 BOX 87A	AUSTIN 55912
* MINNESOTA PET BREEDERS, INC	CRUME KENNELS	RT 2 BOX 102	GLYNDON 56547
* MUNICIPAL & PRIVATE SERVICE INC		506 11TH AVENUE NORTH	MINNEAPOLIS 55411
* NURMI, WW	THE PET MENAGERIE	RT, 1 BOX 147	TWO HARBORS 55616
* OLSON, RS	4-D KENNEL		KANDIYOHI 56251
* PANKRATZ, HH			MT LAKE 56159
* PAPLOW, D & C		RT 1 BOX 102	FULDA 56131
* PERRY, L&M		ROUTE 1 BOX 164	MORA 55051
* PINE CREST KENNELS		RR 1	KASSON 55944
* PLANZ, H		ROUTE 5, BOX 13	AUSTIN 55912
* RADKE, D		RT 1	BROWNTON 55312
* RATZLOFF, W, B&J	RATZLOFF'S KENNEL	RT 1	MOUNTAIN LAKE 56159
* REEK, DG	REEKS TROPICAL FISH & SUPPLY	530 NIAGARA LANE NO.	WAYZATA 55441
* RENNER, WI		STAR ROUTE	DETROIT LAKES 56501
* RIFFF, GW	GOPHER STATE CAVIARY	862 ATLANTIC ST	ST PAUL 55106
* ROOK, W	BIG STONE KENNELS	RT 1 BOX 143	BEARDSLEY 56211
* ROTHER, L & L	VERMILLION RIVER KENNEL	20649 CHIPPENDALE AVE W	FARMINGTON 55024
* RUNDQUIST, V	TIKI KENNELS	RT 3	HAYWARD 56043
* RUTLEDGE, R	CHUCHI KENNELS	ISLAND VIEW RT	INTERNATIONAL FALLS 56649
* SAWYER, S	WILDWOOD ARABIAN AND KENNEL		BACKUS 56435
* SCHADE, E & L	AQUARIUS KENNELS	RR 1	RUTHTON 56170
* SCHEILLER, SM	RODENT RANCH	4088 HWY. 52N	MINNEAPOLIS 55422
* SCHERPER, RJ & MJ		RR 3 BOX 230	WORTHINGTON 56187
* SCHOEBEL, M & A	MINNESOTA ANIMAL EXCHANGE	RR 1	WALTERS 56092
* SCHOONOVER, DF	OAKLANE KENNELS		HOLLANDALE 56045
* SCHROEDER, A		RT 1 BOX 154	KIESTER 56051

MINNESOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SCHULTZ, A & A		RR 3 BOX 104	WORTHINGTON 56187
* SERGER, ML		RT. 2	WATKINS 55389
* SIFERS, D	CIMAROC KENNELS	BOX 251 RT 2	MORRIS 56267
* STANLEY, G		RT 5	PRINCETON 55371
* STOKES, JP & LJ	SUNSHINE KENNEL	RT 4 BOX 78	BEMIDJI 56601
* STROM, H		ROUTE 1	RANDALL 56475
* STROMBERG, L	STROMBERG PETS UNLIMITED	50 LAKES RT	PINE RIVER 56474
* STYLE PETS UNLIMITED OF MINNESOTA		455 NE TAYLOR ST	MINNEAPOLIS 55413
* SWANSON, J, R & M	ROCKY TOP KENNELS	RR 1	LAKEFIELD 56150
* SWANSON, WF	OAK RIDGE KENNELS	1640 GAME FARM RD N	MOUND 55364
* SWIERS, AV	KON-TREE KENNELS		BEJOU 56516
* TAYLOR'S PETS, INC.		RT 2 BOX 122	PERHAM 56573
* THOMPSON, R	THOMPSON'S GAME FARM	RR 1	WINDOM 56101
* THORPE, BC		RT 1 BOX 112	AUSTIN 55912
* TILBURY, J		R 1	GRASSTON 55030
* TOENGES, CH		RR 1	ALDEN 56009
* TRINKO, JR. J		1928 EMERSON AVE S. #5	MINNEAPOLIS 55403
* TROM, BL	STOCKBURY KENNELS	RFD 1 BOX 176	BLOOMING PRAIRIE 55917
* URRACH, L&P		R 3 BOX 77	FRAZEE 56544
* VELDHUIZEN, G & S		RT 1	WOODSTOCK 56186
* VIESSMAN, M		1025 ELMWOOD	LUVERNE 56156
* VINAR, SR., DJ & AR	D & A KENNEL	RT 2	WATKINS 55389
* WEINKAUF D	DOUBLE D KENNEL	RR 1 BOX 85	EAGLE LAKE 56024
* WENSMANN, G&A	HIGHLAND HILLS KENNEL	BOX 200 RT 1	MELROSE 56352
* WENZEL, B & ANDERSON, D	A & W KENNELS	RT 1	ALPHA 56111
* WIER, VA	SANDPATCH KENNELS	RT. 3 BOX 280K	BRAINERD 56401
* WRIGHT, NS		RR 1	GRAND MEADOW 55936
* ZELINSKY, A & G	CEDAR RIDGE KENNEL	ROUTE 1 BOX 237	MANKATO 56001

MISSISSIPPI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLEN, WW		BOX 324	MIZE 39116
* BAKER, BS	SOUTHLAND KENNELS	60 TATE RD.	GREENVILLE 37801
* BICKHAM, RD	YELLOW BIRD FARM	RT 2 BOX 186G	PURVIS 39475
* BISHOP, E&L	BISHOP'S KENNELS	RT. 1 BOX 218B	MABEN 39750
* BOND, A		RT. 1 BOX 111A	WIGGINS 39577
* BROOKS, CL		RT. 1 BOX 74A	MATHISTON 39752
* BROOME, A		RT 4 BOX 172	HATTIESBURG 39401
* BUCKLEY, D		RT 1,BOX 225	TAYLORSVILLE 39168
* BURNS, L	CHICKASAW KENNELS	RT 1 BOX 130	PRAIRIE 39756
* BUTLER, ML		RT 4	COLLINS 39428
* CADE, W	PET WORLD	2105 NORTH 5TH AVE.	LAUREL 39440
* DAVIS, LE	DAVIS KENNELS	RT 2 BOX 228-B	BASSFIELD 39421
* EARNEST, HG		RT 2 BOX 459	CORINTH 38834
* GANDY, W	ROCK HILL KENNELS	RT 1 BOX 328	HAZLEHURST 39082
* GRAYSON, W	LOVE-N-CARE KENNELS	RT. 1 BOX 184	QUITMAN 39355
* HALL, JP		PO BOX 193	MOSELLE 39459
* HARNESS, K	KERMIT KENNELS	RT 5,BOX 197-D	VICKSBURG 39180
* HARPER, EL	HARPERS KENNELS	RT 4 BOX 164	COLLINS 39428
* HARTFIELD, J		RT 2 BOX 111	SUMRALL 39482
* HINTON, J & A	A & J KENNELS	RT 1	BROOKLYN 39425
* HORN, RW	HILLHAVEN KENNELS	PO BOX 444	RIDGELAND 39157
* HYLANDER, JC	ANCHORED ACRES	RT 2 BOX 163	HOLCOMB 38940
* INGRAM, JC	CLEAR CREEK KENNEL	RT 2 BOX 244	MIZE 39116
* JAMISON, OW		515 JAMES ST	PETAL 39465
* JOHNSTON, JC	JOHNSTON'S CHOWS	640 PICKETT ST	GREENVILLE 38701
* JONES, MR		ROUTE 2 BOX 17	BRAXTON 39744
* LAMPLEY, J		2729 AIREDALE ST	GREENVILLE 38701
* LAWLER, G	DOUBLE L KENNEL	RT 1 BOX 183	LUMBERTON 39455
* LEWIS, B		PO BOX 804	MAGEE 39111
* LEWIS, DE	TRIPLE-A KENNEL	RT 2 BOX 109	COLUMBIA 39429
* MANGUM, J	MANGUM'S KENNELS	218 SE 6TH ST	MAGEE 39111
* MANGUM, LT	CHRIS' KENNEL	227 SE 8TH AVE	MAGEE 39111
* MARRIOTT, ED	EDM MARRIOTT KENNELS	RT 3 BOX 234	STARKVILLE 39759
* MARTIN, HL & MURPHREE, TF	PITTSBORO KENNELS	RT. 1	PITTSBORO 38951
* MARTIN, JG		125 MARTIN ST	RIPLEY 38663
* MEADOWS, L		RT 1	MIZE 39116
* MONTGOMERY, RE	SWEETHOME KENNELS	RT 2	HOLCOMB 38940
* MOSS, B & S & S	MOSS KENNELS	RT. 4	GRENADA 38901
* NEWELL M	GULF HAMSTERY	326 ADELLE ST	JACKSON 39202
* NORTON, B		RT 4 BOX 310	LAUREL 39440
* NORTON, SR., WF		RT 4 BOX 313	LAUREL 39440
* NORWOOD, L		RT 8 BOX 434	LAUREL 39440
* PARKER, TP		RT 1 BOX 169	LAWRENCE 39336
* PERRY, PL	SILVER CREEK KENNEL	RT 1 BOX 104	CROSBY 39633
* PITTMAN, JA	LONE PINE KENNEL	RT L BOX 363	COLUMBIA 39429
* QUICK, K	QUICK KENNELS	RT 3 BOX 57-C	SUMMIT 39666
* REYER, H	DOGWOOD KENNELS	RT 2 BOX 305	COLUMBIA 39429
* RILEY, M		RT. 2 BOX 29	NETTLETON 38858
* ROBERTS, R		RT 3 BOX 37	MT. OLIVE 39119
* SIMMONS, J & BYRD, J	J & J KENNELS	RT 1 BOX 311-D	COLUMBIA 39429
* SIMMONS, MRS. RA		RT. 2 BOX 70	CALHOUN CITY 38916
* SMITH, P	APACHU KENNEL	PO BOX 637	CROSBY 39633
* SMITH, RE	PRAIRIE HILL KENNELS	RT 4 BOX 69B	STARKVILLE 39759

MISSISSIPPI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* STEINHAUSER, R & J	RUJAM CATTERY & KENNELS	RT 1 BOX 604	LELAND 38756
* STEWART, J		RT 1	MT. OLIVE 39119
* SWEARINGIN, D	SWEARINGIN KENNELS	RT 2 BOX 231A	RUTH 39662
* TAYLOR, W & H	DOG PATCH	RT 2 BOX 297	PHILADELPHIA 39350
* THOMPSON, L		RT #1, BOX 171	BROOKLYN 39425
* THOMPSON, PL		RT 1 BOX 201	LUMBERTON 39455
* THRASH, RG		RT 1 BOX 414	MOSELLE 39459
* TUCKER, M		RT 4 BOX 322	LAUREL 39440
* VANLANDINGHAM, HL	V&R ANIMAL SHELTER	PO BOX 133	VARDAMAN,38878
* VIALL, CG	PET KINGDOM	BOX 32	DELHI 71233
* VICKERS, B		RT 2	STURGIS 39769
* VICKERS, D		RT 2	STURGIS 39769
* VICKERS, M	SAND CREEK KENNELS	RT. 2 BOX 150	STURGIS 39769
* WELLS, C		R1 BOX 72	COFFEEVILLE 38922
* WESLEY, WH	DOUBLE W KENNELS	RT 1 BOX 132A	MABEN 39750
* WHATLEY, D		RT. 1 BOX 53A	BROOKLYN 39425
* WHITE, CJ	WHITE'S DOG KENNEL	RT 8 BOX 88	PHILADELPHIA 39350
* WILLIAMS, JA	TAR RIVER KENNELS	RT 1 BOX 154	CROSBY 39633
* WINNINGHAM, MRS. J		RT 1, BOX 166	MENDENHALL 39114
* WINTERS, T	AM & S ASSOCIATED BREEDERS	RT 3 BOX 132	STARKVILLE 39759
* WOOD, M		ROUTE 1	MIZE 39116

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ACKMANN, A & M	NORM-AL ACRES KENNEL	RT 1 BOX 3A	ROSEBUD 63091
* ACTON, J		RT 1	COLUMBIA 65201
* AHOLT, J&A	AHOLT'S KENNEL	RR 1	GLASGOW 65254
* ALLEN, R&R		RR 2	LAPLATA 63549
* ALLEN, W		RR 2	LUCERNE 64655
* ANDERSON, HA		ROUTE 2 BOX 177	ELKLAND 65644
* ANESI, JL		RR 3	KIRKSVILLE 63501
* ANIMALS AND POULTRY, INC		PO BOX 423 RR 2	GRAY SUMMIT 63039
* ARB, M & KITCH, SE	TRIPLE T KENNEL	RT 1	GRANBY 64844
* ARMSTRONG, C	ARMSTRONG KENNEL	R 4 BOX 179	ROCKPORT 64482
* AROUND THE WORLD PETS		12676 DORSETT	MARYLAND HEIGHTS 63043
* ATHON, K&C		RFD 1	NOVINGER 63559
* AYE, F		RT 1 BOX 23	WILLOW SPRINGS 65793
* AYF, MM		ROUTE 3 BOX 10	WILLOW SPRINGS 65793
* BANKER, AM	BANKER KENNELS	RT 1	CLARK 65243
* BANNER, GE	RATTLE SNAKE HILL KENNEL	RT 1	SMITHTON 65350
* BARNETT, RT		RT. 1	LOWRY CITY 64763
* BARNFIELD, W	BAR WAN KENNELS	BOX 158	CROCKER 65452
* BAUM, F		RT 2	AURORA 65605
* BEACH, M		RT 1	UNIONVILLE 63565
* BEALMER, M & D		RR 2	ATLANTA 63530
* BEARDEN M		RR 3	SALISBURY 65281
* BECHTOLD, ML		RT 1	KIDDER 64649
* BECKETT, ML & MW	SOO BIG KENNEL	R 7 BOX 354	JOPLIN 64801
* BEHRENDS, R		R2 BOX 165-9	OZARK 65721
* BELL'S KENNEL		R2 3	GALLATIN 64640
* BERNARD, L		RT 1	FAIR GROVE 65648
* BERRY, D		R 2	HUNTSVILLE 65259
* BERRYHILL, R&J	R&J KENNEL	RT 1	IRWIN 64754
* BERWICK, P		HOBSON STAR RT BOX 62	ROLLA 65401
* BIAS, KF		1615 EDMONDS	JEFFERSON CITY 65101
* BILLUPS, G		RFD 1	CANTRIL 52542
* BIXENMAN, ES		RR 2 BOX 76	BYNUMVILLE 65238
* BLACKETER, E		RT 4 BOX 144	BOLIVAR 65613
* BLAINE, PL		BOX 188 RFD 3	MEMPHIS 63555
* BLAINE, R&M		RR 1	GREENTOP 63546
* BLAKELEY, RW		6701 NE 48TH ST	KANSAS CITY 64119
* BLANKENSHIP, L	BLANK'S KENNEL	RT 1	SMITHTON 65350
* BOGENREIF, G&L		413 RAINBOW DRIVE	ROCK PORT 64482
* BORGHARDT, RD		ROUTE 1	IANTHA 64753
* BOWERS, W&M		RT 2	PRINCETON 64673
* BRADLEY, L		RT 2 BOX 52	HIGBEE 65257
* BRADSHAW, ME		RT 1	BIRCHTREE 65438
* BRAGG, C		RFD 1	NOVINGER 63559
* BRAMHALL, PL		RT 3	KIRKSVILLE 63501
* BRAUER, F&R	BRAUERVILLE KENNEL	RT 3	COLE CAMP 65325
* BRAUN, S & C	BRAUN'S AQUA BARN	RT. 3 BOX 388	FESTUS 63028
* BRAWNER, L		RR 2	GREENTOP 63546
* BRAZEAL, BN&L		RT. 2	MANSFIELD 65704
* BRILEY, M	BLUEBIRD HILL KENNEL	RT 2 BOX 187	SENECA 64865
* BRODERSON, M			OTTERVILLE 65348
* BROOKS, C	BROOKS PUPPY EMPORIUM	RT. 1 BOX 348A	WEBB CITY 64870
* BROOKS, R&M	BROOKS KENNELS	RT C BOX 2808	BOLIVAR 65613

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BROWN, CG & SK		RT 1 BOX 92	DUNNEGAN 65640
* BROWN, E		3741 N. GRANT	HOLDEN 64040
* BROWN, JT	SYCAMORE ACRES KENNEL	R 1 BOX 91	SPRINGFIELD 65803
* BROWN, M		RT 1 BOX 126A	REEDS SPRING 65737
* BROZ, R	VMK KENNEL	RR 6	HAWK POINT 63349
* BRUCE, GL			UNIONVILLE 63565
* BRYANT, T		RR 1 BOX 50	BARING 63531
* BUCKNER, M		RR 2 BOX 20	HUMPHREYS 64646
* BUEHLER, BJ		RT 1	AURORA 65605
* BURD, L		R 4	META 65058
* BURKHARDT, F	A&H KENNEL	RT. 7 BOX 225-D	MACON 63552
* BURKS, GA	LEE MARELLE KENNEL	RT 1 BOX 245	SPRINGFIELD 65802
* BURKS, ME		RT 1	SELIGMAN 65745
* BURNS, J & WENDLETON, D		RR 1	BUTLER 64730
* BURNS, M		RR1	ANABEL 63431
* BUSHNELL, JR, L		RT 3 BOX 203K	QUEEN CITY 63561
* BUTLER, M		RT. 3 BOX 216	CARTHAGE 64836
* BYERS, C	SUE BEE'S DOG KENNEL	RT 1 BOX 85	PRINCETON 64673
* BYERS, S	KIM-KA KENNELS	BOX 3463	MOSCOW MILLS 63362
* CADDELL, KM		RR 1	KIMBERLING CITY 65686
* CAMDEN, RM		RT 2 BOX 226	GLENWOOD 63541
* CAMPBELL, F		124 E HELM ST	WILLARD 65781
* CAMPBELL, ME	MAN-T-N-DALE ACRES	RT 1	BROOKFIELD 64628
* CARENDER, M&C		RR 1	RUSSELLVILLE 65074
* CARTER, M		RT 10 BOX 823	ELMER 63538
* CATES SR, ME	ROCKING CHAIR RANCH	ROUTE 1	SPRINGFIELD 65803
* CHAMBERS, J		RT 1 BOX 108	AMSTERDAM 64723
* CHAPMAN, B	PRAIRIE VIEW KENNEL	BOX 180 R 1	JANE 64846
* CHAPMAN, J	CHIOLERIO'S KENNEL	RT 1	CROSS TIMBERS 65634
* CHIOLERIO, L		RT 1	MARCELINE 64658
* CHRISTENSEN, W		BOX 93 RFD 1	KEYTESVILLE 65261
* CHRISTMAN, M		R #2 BOX 133	BETHEL 63434
* CHRISTY, E		RFD 1	ELDORADO SPRINGS 64744
* CLAIR, JP		ROUTE 2	HURDLAND 63547
* CLAPP, L	LOWER'S KENNEL	RT 1	BUTLER 64730
* CLARK, EE		RT 2	KIDDER 64649
* CLARK, EJ		RR 1 BOX 82	MERCER 64661
* CLARKE, K		RFD 3	ANABEL 63431
* CLARY, P		ROUTE 3 BOX 45	EDINA 63537
* CLAXTON, R		RT 4	RICHMOND 64085
* CLAY, E&L		RR 1	KIRKSVILLE 63501
* CLICKNER, C		BOX 126	CARIO 65239
* CLUBINE, BM		RT. BOX 183	GREENTOP 63546
* COFFEY, K		RR 1	EXETER 65647
* COFFMAN, S & C	EDGEWOOD KENNELS	R 2	CALLAO 63534
* COLCLAZIER, L	WHITE OAK KENNEL	RR 2	ROGERSVILLE 65742
* COLLIS, G		BOX 211	QUEEN CITY 63561
* COLVILLE, J	CONSTANT KENNEL	RT 5	PINEVILLE 64856
* CONSTANT, R & J		RT 3	CHILLICOTHE 64601
* COOK, A	SHADY DELL KENNEL	RT 2 BOX 272	KIRKSVILLE 63501
* COOK, C&S		RT 1	ASH GROVE 65604
* COOK, DA		RT 5 BOX 61	LANCASTER 63548
* COOKSEY, R&L			TRENTON 64683

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* COURTNEY, D	TLC KENNEL	RTE 2 BOX 175	TIPTON 65081
* CREECH, CC	TRIPLE C KENNELS	RT 2 BOX 316	TROY 63379
* CRUMP, A		PO BOX 5	LANCASTER 63548
* CRUMP, A		BOX 5	LANCASTER 63548
* CULLER, R		ROUTE 2	SHELBYVILLE 63469
* CULLUM, J		RT 1	UNIONVILLE 63565
* CUNNINGHAM, J&MASSEY, M		RT 6 BOX 462	SPRINGFIELD 65803
* DARROWSKY, E	CATADAMAR KENNEL	RT 2	GRANBY 64844
* DAGGS, BC		RFD 1 BOX 40	EWING 63440
* DALTON, J	DANDY JACK'S ACRES	GOODSON STAR ROUTE	BOLIVAR 65613
* DANIELS, RE	COUNTRY KENNELS	RR 2 BOX 231	NEOSHO 64850
* DANNEMAN, CJ		RR 4	SALISBURY 65281
* DAVENPORT, LK		RT 1	GRANBY 64840
* DAVIS, LH		R 2 BOX 125	MILLER 65707
* DAWSON, RD & CH		RR 1	BEVIER 63532
* DECKER, R&P		RT 1	BONNE TERRE 63628
* DEIERLING, IS		BOX 18	QUEEN CITY 63561
* DELANEY, P		RT 2	GREEN TOP 63546
* DENISON, EJ		RT 1 BOX 140-A	NEOSHO 64850
* DENLER, R & G	RIVERVIEW RABBITRY	R 2	NEW LONDON 63459
* DEVRIES, J&A			LOOSE CREEK 65054
* DILLE, G		RR 1	MACON 63552
* DITTON, JE	JEREC KENNELS	8200 E 67TH ST	KANSAS CITY 64133
* DOSS, G			FREISTATT 65654
* DOUGLAS, VB		RT 2	LINCOLN 65338
* DOWELL, D		RT 2	BROOKFIELD 64628
* DOZIER, J	HILLY HAVEN KENNEL	RT 3	COLUMBIA 65201
* DREBES, HL		RFD 3	PALMYRA 63461
* DUESCHLE, ML		RT 1	CENTERTOWN 65023
* DULEY, SM		1501 ADAMS	ST JOSEPH 64503
* DUNCAN, MG		RR 1 BOX 16	BOLCKOW 64427
* DUNLAP, ME	BURDETT'S KENNELS	6942 E 58TH ST	KANSAS CITY 64129
* DYE, A		RFD 3	EDINA 63537
* DYKEMA, M&HA		RT 2	MARSHALL 65340
* EASTER, RG	EASTER ANIMAL FARMS	PO BOX 297	LIBERAL 64762
* EATON, AM	EATON KENNELS	RT 2 BOX 214	ST PETERS 63376
* EDINGER, RW & N	ROCKY ACRES RABBITRY	RR 4 BOX 79	TROY 63379
* EDLEN, L		RFD 1	ALEXANDRIA 63430
* EDWARDS, L&EV		RT 1 BOX 95	AURORA 65605
* EITEL, P		RT 4	LAPLATA 63549
* ELDER, C		R 2 BOX 27	GILMAN CITY 64642
* ELDRIDGE LAB. ANIMAL, INC		BOX 398 RT 1	BARNHART 63012
* ELLENWOOD, RO	ROCKY VALLEY KENNEL	STAR RT, BOX 11	PINEVILLE 64856
* ELLIS, A		R 1 BOX XX	PINEVILLE 64856
* ELLIS, CC		POB 76	DUENWEG 64841
* ELLIS, EE		RT 3	ANDERSON 64831
* ELLIS, J	J & J KENNEL	RT 1 BOX 810	JOPLIN 64801
* ELLIS, RA		BOX 85	DUENWEG 64841
* EMMERT, W&E		R 2	AURORA 65605
* ENGLAND H	H & L KENNEL	ROUTE 2	CENTRALIA 65240
* ENGLAND, JW	JU-LES-RANS KENNELS	ROUTE 2	CENTRALIA 65240
* EPPERLY, ML	POVERTY HILL KENNEL	RT 1 BOX 77	BUCKLIN 64631

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ERWIN, L		R 1	BRASHEAR 63533
* ESSICK, B&D	BOONDOCKS PUPPY FARM	BOX 129	HIGHLANDVILLE 65669
* ESSICK, M		RT 1 BOX 170	HIGHLANDVILLE 65669
* FURITT, D	OAK GROVE KENNEL	RT 1	KIRKSVILLE 63501
* EVERMAN, JR., FW		RT 2	GALLATIN 64640
* EWART, EM & NM		RFD 3	KAHOKA 63445
* FAIRBANKS, L & B		RT 1	KING CITY 64463
* FEHLING, RJ	R J'S KENNEL	RT 1	ARMSTRONG 65230
* FELIN, C	HILLCREST KENNEL	RR 2	ELKLAND 65644
* FENIMORE, JM		RR 4	LA PLATA 63549
* FIELD, M		RR 2 BOX 77	MOUND CITY 64470
* FLAXBEARD, V & DICKENS, W			ROCKY COMFORT 64861
* FORD, L		RFD 2	GLENWOOD 63541
* FORNER, M		1665 CATALINA	SPRINGFIELD 65804
* FORRESTER, B		RFD 1	BARING 63531
* FOSTER, DD	WHITE GATE KENNELS	RR 3	MACON 63552
* FOSTER, HM		RT 4	CENTRALIA 65240
* FOSTER, J	CEDAR HILL KENNEL	ROUTE 4	CENTRALIA 65240
* FOSTER, Z	VALLEY HIGH KENNELS	RR 4 BOX 151	UNIONVILLE 63565
* FRANCIS, R	HILLTOP KENNELS	RR 2 BOX 236	PIERCE CITY 65723
* FRANCKA, CC&JJ		RFD 1 BOX 36	BRIGHTON 65617
* FRIEDEN, VJ		RFD 3 BOX 55	KAHOKA 63445
* FRIEL, JT	FRIEL'S KENNEL	RT 3 BOX 151	NEVADA 64772
* FRIEND, P	PA PAW'S KENNEL	RT 1 BOX 765	BOIS D'ARC 65612
* FRY,J		RT 3	ELDON 65026
* FUGATE, J		RR 2	CALLAO 63534
* GALLET, DM		RT. 1	COLLIN 64738
* GALLOWAY, CV		RR 1	PURDY 65734
* GERKE, T		RT 1	BUNCETON 65237
* GIBBS, A&P	GIBBS SMALL DOG KENNEL	RT 2	FRANKFORD 63441
* GIBBS, KM	S & K RABBITRY	86 VALLEY DR	VALLEY PARK 63088
* GIBSON, S		RT 1	LAMONI 50140
* GOOCH, M&P		RR 2	PURDIN 64674
* GOODWIN, GN		RT 2 BOX 137	LANCASTER 63548
* GOODWIN, T		PO BOX 15	KNOX CITY 63446
* GOSSETT, L&J		RT 1 BOX 205	CALHOUN 65323
* GRABFEL, T	CATAWISSA FARMS	RT 1 BOX 515A	CATAWISSA 63015
* GREER, R&L		RT 2	KNOB NOSTER 65336
* GRUBBS, J & P	PET SAFARI	17308 EAST 24 HWY	INDEPENDENCE 64056
* GRUENEFELD, W		RT 1 BOX 140	JONESBURG 63351
* HALL, KE		R 1	GOODMAN 64843
* HALLEY, T		RR 1	UNIONVILLE 63565
* HAMILTON, LB		RT 1 BOX 162	GOODMAN 64843
* HAMM, V&D	GIN-DALE KENNEL	RT 3 BOX 260	BOLIVAR 65613
* HAMMOND, DE		PO BOX 64	RUTLEDGE 63563
* HAMPLEMAN, R&C	SHENADOAH KENNELS	RT 1 BOX 187	ELLSINORE 63937
* HARGUS, JF&R&R	BELL ACRE KENNEL	ROUTE 1 BOX 262	MILLER 65707
* HARMON, AM	DUN-ROVIN KENNELS	RT 1	SYRACUSE 65354
* HARRELL, D & N		ROUTE 1	ROCKY COMFORT 64861
* HARRIS, DL		RT 2 BOX 203	JAMESPORT 64648
* HARRIS, S		RT ONE	STARK CITY 64866
* HARRIS, WK&PA		PO BOX D	MARSHALL 65340
* HARRISON, J		RT 2	MARCELINE 64658

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HARRISON, K		328 E CHICAGO	MARCELINE 64658
* HAWKINS, MR		ROUTE 1	FULTON 65251
* HELMS, L		RT 1	MOORESVILLE 64664
* HENDERSON, J	CLEAR LAKE KENNEL	RT 1	JAMESPORT 64642
* HENDERSON, R		RT 2	JAMESPORT 64648
* HENDERSON, S		RT 1 BOX 130	EWING 63440
* HENRY, BK		RR 4	MACON 63552
* HERRING, J		RT 1 BOX 134	EVERTON 65646
* HERRING, J	JAMEY'S KENNEL	RR 2	STEWARTSVILLE 64490
* HETTINGER, EK		RFD 2	RUTLEDGE 63563
* HETTINGER, R		RR 1	BRASHEAR 63533
* HEWITT, I		RR 1	ROSENDALE 64483
* HILBURN, J & STILL, C	HI-VALLEY KENNEL	BOX 31	EXETER 65647
* HILL, R		RR #1	AMORET 64772
* HILLERMAN, J&W	HILLERMAN KENNELS	706 INDIANA	MONTROSE 64770
* HOEFENER, D	SANDYS KENNEL		LATHAM 65050
* HOFFER, RJ&AD		RFD 1 BOX 34	EWING 63440
* HOFFER, MJ		RT 2	GREENFIELD 65661
* HOLLINGSWORTH, S	HOLLINGSWORTH'S KENNEL	RT 1	HARTSBURG 65039
* HOND, C	COUNTY LINE KENNELS	RT 1	DIAMOND 64840
* HOWERTON, D			HURDLAND 63457
* HOWERTON, MY		R #1 BOX 98	NIXA 65714
* HOYT, L		RR 2	BROOKFIELD 64628
* HUDNUT, MR		PO BOX 32	WILLIAMSTOWN 63473
* HUFFSTUTLER, WM	OZARK RESEARCH SUPPLIER	RR 3	VIENNA 65582
* HUGHES, J&S	DO BO TRI KENNELS	RT 1	PURDY 65734
* HUGHS, LC		RT 5	TRENTON 64683
* HUGHS, LL		RR 1 BOX 5	BRIMSON 64626
* HULEN, FW		RFD 1	LANCASTER 63548
* HUMPHREY, T		BOX 26	MONTICELLO 63457
* HUNOLT, J		BOX 167	BRASHEAR 63533
* HUNOLT, L		RFD 3	EDINA 63537
* HUNOLT, L			BARING 63531
* HUNT, JS & GB	FIRETOWER KENNELS	RT 1 BOX 65	NOEL 64854
* HUNTSMAN, WB		798 TAYLOR	MOBERLY 65270
* HUTCHISON, K		RT 1	VERSAILLES 65084
* HYLE, D&P	HYLE KENNEL	RT 4	UNIONVILLE 63565
* JACKSON, E		R1	HARWOOD 64750
* JACKSON, JD & J			LANCASTER 63548
* JAMES, E		RT. 4	CHILLICOTHE 64601
* JAMISON, L&S		9730 WINSLOW PL	KANSAS CITY 64131
* JARMAN, M		RT 1	MONROE CITY 63456
* JEFFRIES, E		RT 1	GREENTOP 63546
* JENKINS, M		307 MAIN	MACON 63552
* JENNINGS, CE & E		RR 1	BEVIER 63532
* JOHNSON, MM		RT 1	MEADVILLE 64659
* JOHNSON, W	WIL-A-WAN KENNEL	RT. 1 BOX 49-A	WEBB CITY 64870
* JOHNSTON, N			POWERSVILLE 64672
* JOHNSTON, W			ELKLAND 65644
* JONES, CJ	STORM'S KENNELS	R 2 BOX 1718	VERSAILLES 65084
* JONES, DA		RT 2	PARIS 65275
* JONES, JL	J & S HILLTOP KENNELS	R 1 BOX 68A	SENECA 64865
* JONES, ME		RFD 1	LANCASTER 63548

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* JONES, W		BOX 268	ELDON 65026
* JOYCE, SA		RR 2	GREEN RIDGE 65332
* JUSTICE, E		RT 4 BOX 130	EDINA 63537
* KELLER, DM		RT 2	OSCEOLA 64776
* KELSEY, DB		STAR RT BOX 185	MINDENMINES 64769
* KEMP, RJ		RT 3	LOCKWOOD 65682
* KENNEDY, B & L		R 1 BOX 125	JERICO SPRINGS 64756
* KERBY, E		RR 2	GLENWOOD 63541
* KERR, O		RT. 3	COLE CAMP 65325
* KIDDOO, MM		RFD 2 BOX 54	MEMPHIS 63555
* KIDWELL, M			LEONARD 63451
* KIMMEL, J&L		RR 6	UNIONVILLE 63565
* KING, MM		RR 1	MACON 63552
* KINZER, T		RT 2 BOX 131	SHELBINA 63468
* KIRBY, K		RR #4	PITTSBURG 66762
* KLINETOBE, B	KENNEL OF LOVE	RT 1	WILLIAMSBURG 63388
* KNIGHT, W & THORNTON, A	A-W KENNELS	RT. 1 BOX 162R	NEOSHO 64850
* KNOWLES, A & BURNS, B	BURNS AND KNOWLES KENNEL	RT 1	ANABEL 63431
* KOCH, JG & KG	JULI'S KENNEL	RT 1	HAMBURG 51640
* KOCH, PJ		RT 5 BOX 199	TRENTON 64683
* KOWIESKI, EL	HOUND HAVEN KENNEL	BOX 119 A HAYDEN RD	DIXON 65459
* KRAMER, J	KRAMER KENNELS	R 1	APPLETON CITY 64724
* KROLL, E&D	HALF-A-HILL KENNEL	RT 2 BOX 255	CONWAY 65632
* LAFEVERS, G		SS RT BOX 73	WEST PLAINS 65775
* LAIRD, GL		RT 2	HURDLAND 63547
* LANGERUD, F		RT 2 BOX 95	PARIS 65275
* LANSAW, S		1201 ORR	JOPLIN 64801
* LATIMER, NS	CEDARWOOD KENNELS	PO BOX 854	KIRKSVILLE 63501
* LAYTHAM,F		RT 1 BOX 189	MOBERLY 65270
* LEE-DON KENNEL INC	LEE-DON KENNELS INC	116 COUNTRY CLUB DR	TRENTON 64683
* LEFTRIDGE, L			CLARENCE 63437
* LEIWEKE, JF	HOMESTEAD ENTERPRISES	RT. 2	GERALD 63037
* LEWIS, DM			PINEVILLE 64856
* LEWIS, E		RFD 2	HURDLAND 63547
* LEWIS, VM&SMART, M		500 CHESTNUT	HOLDEN 64040
* LIEDORF, D		1145 PINE	BROOKFIELD 64628
* LINDQUIST, GE	QUALITY RESEARCH DOGS	RT 1	HALLSVILLE 65255
* LINDQUIST, I&K		RR 2	GREENTOP 63546
* LINDQUIST, L	LINDQUIST KENNELS	RR 1	GREENTOP 63546
* LINDSAY, J & M	HICKORY HILL KENNELS	RT 2	LOUISIANA 63353
* LINDSEY, Y		RFD 1	BETHEL 63434
* LINK, J		RT 2 BOX 135	BILLINGS 65610
* LINKEMANN, LF	LINKS KENNEL	RT 1	MEADVILLE 64659
* LISLE, S		RT 1	TRENTON 64683
* LIVEZEY, JA		R 1	FAIRPLAY 65649
* LIVEZEY, T		RT 3	BOLIVAR 65613
* LONG, A			ROCKY COMFORT 64861
* LONG, J		RT 4 BOX 354	EL DORADO SPRINGS 64744
* LONG, M & L			ROCKY COMFORT 64861
* LOONEY, R	SPRINGHOUSE KENNEL	RT 2 BOX 40	ELKLAND 65644
* LOVE, J		RFD 1	NEWARK 63458
* LOWE, ML		BOX 122 R 1	GREENTOP 63536
* LOYD, E	RED BARN KENNEL	RT 1 BOX 43	LA RUSSELL 64848

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* LUCKY LOCUST FARMS INC		12529 CONWAY RD	ST LOUIS 63141
* LUFDDERS, P		RT. 1	HALLSVILLE 65255
* MABERRY, B		RT 2	DAWN 64638
* MADISON, LF		RR 3	LAMAR 64759
* MALEAR, R		RT 1 BOX 687	ELDON 65026
* MANKFY, H&AR		RR 2	CALLAO 63534
* MANN, V		407 E 4TH ST	APPLETON CITY 64724
* MAPLES, J&N		RT. 5 BOX 125	TRENTON 64683
* MARKLEY, G&K		7453 N.E. 56TH ST.	KANSAS CITY 64119
* MARRS, D & EC		RT 1	S PICKARD 64679
* MARSH, KF	MARSH'S RABBITRY	3338 OLD BAUMGARTNER RD	ST LOUIS 63129
* MARSHELL, JL	STAR J KENNELS	ROVER RT BOX 226	W PLAINS 65775
* MARTENS, E		RR 4	KIRKSVILLE 63501
* MARTIN, RI&DOHN, DJ		RT 1 MARTIN RD	SMITHVILLE 64089
* MASON, L		RT 2 BOX 42A	LAMAR 64759
* MAST, EH		RT 2 BOX 226	JAMESPORT 64648
* MATTINGLY, DW		RT 1 BOX 220	ST MARYS 63673
* MAWBY, FR	SHO-ME KENNELS	RT. 2	GRAIN VALLEY 64029
* MAYLEE, N	ASPEN KENNELS	RT 1	HOLT SUMMIT 65043
* MCBEE, K&F	MCBEE KENNELS	RT 1	BRAYMER 64624
* MCBRIDE, F		ROUTE 2	MADISON 65263
* MCCAMMON, C		RT 1 BOX 336	AMORET 64722
* MCCAMPBELL, J&J		RT 2	BETHANY 64424
* MCCANN, D & S		RR 2	CALLAO 63534
* MCCONEGHFY, M&R		RR 1 BOX 81	GLENWOOD 63541
* MCCOY, GE		R 1	LEBANON 65536
* MCCULLAH, JR		RT 2 BOX 329	ASH GROVE 65604
* MCHAFFIE, T & D	VALLFY VIEW KENNELS	STAR RT. BOX 81	BRUNER 65620
* MCINTOSH, DE&S		RT 1 BOX 25	MACOMB 65702
* MCKARNIN, R&JE		8528 BLUE RIDGE EXT	KANSAS CITY 64138
* MCNEELY, G		RT 1	JAMESON 64647
* MCWILLIAMS, P		RT 2 BOX 190	EL DORADO SPRINGS 64744
* MEANS, G		RT 1	ATLANTA 63530
* MEEKER, BM		RFD 1 BOX 28C	GREENTOP 63546
* METSKER, P&D	PERDOT ACRES	RT 2 BOX 120	TROY 63379
* MIDDLETON, RE		RFD 2 BOX 171	LANCASTER 63548
* MILLER, L		R 3	SHELBYVILLE 63469
* MILLER, WL	HICKORY HILL SHEPERDS	RT 1 BOX 163	FRANKFORD 63441
* MILLTON, W & A & WOODWARD , K	MILLWOOD KENNELS		HOLIDAY 65258
* MILLIRONS, T & M	BLUE RIDGE KENNELS	STAR ROUTE BOX 82	BRUNER 65620
* MINOR, J	COLONIAL ACRES RABBITRY	RT 1	MONETT 65708
* MINOR, L		321 E ROGERS	MONROE CITY 63456
* MITCHELL, OH	MITCHELLS KENNEL	RT 2 BOX 176	MOUNTAIN GROVE 65711
* MITCHELL, R & M		RT 2 BOX 383	FAIR GROVE 65648
* MONCRIEF, BJ		RT 4	KIRKSVILLE 63501
* MONER, M&E		RT 2 BOX 37	MEADVILLE 64659
* MONTGOMERY, GM	MONTGOMERY KENNEL	RT 1 BOX 73A	FAIRVIEW 64842
* MOOTS, E		RR3	KIRKSVILLE 63501
* MORGAN, FV & MJ		R3 BOX 60	JOPLIN 64801
* MORRIS, J&E		RT 8 BOX 156P	CAMDENTON 65020
* MORROW, M		RFD 1	KNOX CITY 63446
* MOSS, P		RT 2 BOX 660	LAMAR 64759

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MOUTRAY, E		3740 PETTIS RD	ST JOSEPH 64503
* MUCK, L		RT 1	MEADVILLE 64659
* MUELLER,D			SHELBYVILLE 63469
* MULLER, C&D		RR 1	ROCKPORT 64482
* MULVANIA, L&NR	SUNVALLEY FARM KENNEL	RR 1	ROCKPORT 64482
* MUSGRAVE, AE		ROUTE 1, BOX 390	GOODMAN 64843
* MUSSER, S	ECHO MEADOWS RABBITRY/CAV.	RT 1 BOX 32	TUNAS 65764
* NEED, T&M	NEED'S BLUE HAVEN KENNELS	RT 2	HIGGINSVILLE 64037
* NELSON, M		RR 2	MACON 63552
* NELSON, MA		RR 1	ATLANTA 63530
* NELSON, R		914 LAWNDALE	MACON 63552
* NEUENSCHWANDER, A&J		R 2 BOX 968	DEEPWATER 64740
* NEWMAN, RM & DJ		RFD 3 PO BOX 28	KAHOKA 63445
* NICHOLS, K		RR 1	STURGEON 65284
* NICHOLSON, R&P		RR 2	HOPKINS 64461
* NORDEEN, V	NORDEEN KEESHONDEN	RT 3	MIDDLETOWN 63359
* NORTON, D		1508 WASHINGTON	UNIONVILLE 63565
* NORTON, J		RFD 1	KNOX CITY 63446
* NORTON, JR		BOX 82	AUXVASSE 65231
* NORTON, V		RFD 1	KNOX CITY 63446
* NOTEWARE, DE		RT. 1	HUMANVILLE 65674
* NYCUM, S		NOBLETON	EDWARDS 65326
* OAK HILL KENNELS		RT 3 BOX 270A	SPRINGFIELD 65804
* OBRIEN, C		BOX 151	LEWISTOWN 63452
* ODLAND, D		RT 5 BOX 186	NEOSHO 64850
* ORR, A&K		RT 1	KIDDER 64649
* OSBORN, DR	OSBORNS KENNEL	RT 3	CALIFORNIA 65018
* OSHNER, S		R 2	LABELLE 63447
* OTHIC, M&S		RT 1	BROOKFIELD 64628
* OWENS, JF	OWENS PATTY KENNEL	PO BOX 1	OSCEOLA 64776
* PALMER, L			WHEATLAND 65779
* PARK, J		RT 3	OSCEOLA 64776
* PARMLEY, W		R 1	GREENCASTLE 63544
* PARRISH, EE		R 1	NEWARK 63458
* PARTIN, C&E		RT 1	MACON 63552
* PASS PETS UNLIMITED		11629 FAIRGROVE IND BLVD	MARYLAND HEIGHTS 63043
* PATRICK, MJ		RT 1 BOX 170	REED'S SPRING 65737
* PAWLAK, E & C	E & C RABBITRY	2809 OLD HUNNING RD.	HIGH RIDGE 63049
* PAYNE, L&L		R 1 BOX 165-3	OZARK 65721
* PAYNE, M	V & M CAVIES	RT 2 BOX 193	OTTERVILLE 65348
* PAYTON, J	PAYTON KENNELS	RFD 4 BOX 125	EDINA 63537
* PAYTON, L		R5 BOX 286	NEOSHO 64850
* PEARCY, T		RT 1	JAMESTOWN 65046
* PEART, J	PEART'S KENNEL	RT 1	SALISBURY 65281
* PENDLETON, O		RT 3 BOX 127	DIXON 65459
* PERLOW, P&E	THE LIL COUNTRY KENNEL	RT 1 BOX 34A	TROY 63379
* PERRY, DD	D-D KENNELS	RFD 1	KNOX CITY 63446
* PERRY, J		RR 1	BRASHEAR 63533
* PETERS, H		RT 1	KEYTESVILLE 65261
* PFEIFER, MS		711 ADAIR ST	BEVIER 63532
* PHELPS, RM			ANABEL 63431
* PIERCE, E&Q		RR 1	EXCELLO 65247
* PIERSTORFF, LR	CHARLORU LABRADORS	BOX 14	NEVADA 64772

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* POOL, S & N	POOLS KENNESL	BOX 57	CAIRO 65239
* POOR, MRS J		RFD 1	NOVELTY 63460
* POOR, RL		RR 3	MACON 63552
* PORE, J		RT 1 BOX 69	ROTHVILLE 64676
* PORTER AJ		RT. 1 278-A	BUTLER 64730
* PORTER, J		RT 2	DAWN 64638
* PORTER, JH		RT 1	BUTLER 64730
* POTTER, H		RT.2 BOX 90	CALIFORNIA 65018
* POWELL, CE		R 1 BOX 223	WEBB CITY 64870
* PRICE, N		RR 1 BOX 82	MENDON 64660
* PRICE, P	HARMONY ACRES KENNEL	RR 1	RAVENWOOD 64479
* PRIMM, B			NOVELTY 63460
* PURDUN, D & V		R 1 BOX 77	GRANT CITY 64456
* PURTELL, J&J	PURTELL'S DBL J KNL	RT. 3 BOX 71	PRINCETON 64673
* PUTTHOFF & SMITH, J	PUTTHOFF KENNELS	7TH & INDIANA	MONTROSE 64770
* RANK, S	S & J KENNELS	RT 1	LINCOLN 65338
* RANSDELL, M		RT 2	HOLLIDAY 65258
* RATLIFF, J			SHELBYVILLE 63469
* REAVIS, F & S	CIRCLE R KENNEL	RT 1 BOX 104	PLEASANT HOPE 65725
* REDMAN, JR., R.		RT 2	KING CITY 64463
* REED, M&D	MIKES CANINES	PO BOX 243	DIAMOND 64840
* REED, MD		RT 1 BOX 579A	SPRINGFIELD 65803
* REED, MJ	REEDGATE KENNEL	R 2	LAMAR 64759
* REGER, R	VI-RE KENNELS	801 1/2 GREEN ST	KIRKSVILLE 63501
* REINDEL, G & Y		RR 1	QUEEN CITY 63561
* REVELS, K & R		2717 SW TRAIL	ST JOSEPH 64506
* REYNOLDS, GA & R	JORDON RIVER KENNELS	RR 1 BOX 184	JERICO SPRINGS 64756
* RICHARDSON, KM		RT 1	BLYTHEDALE 64425
* RICHARDSON, W&V		RR 1	GRAHAM 64455
* RIDER, G	RIDER KENNEL	RT 2	WALKER 64790
* RIDER, R&W	PLEASANT INN KENNELS		BRONAUGH 64728
* RILEY, G & C	HILLTOP KENNELS	RR 3	MACON 63552
* RILEY, Y		RT 1 BOX 115	MULBERRY 66756
* RINEHEART, M		RR 2	MILAN 63556
* ROBERSON, L		4666 W MT VERNON ST	SPRINGFIELD 65802
* ROBERSON, R		RFD 1	WILLIAMSTOWN 63473
* ROBERTS, K		RFD 3	EDINA 63537
* ROBERTS, W		RT 1	ASHGROVE 65604
* ROBERTSON, C		615 E HICKORY	NEVADA 64772
* ROBERTSON, DL		RFD 2 BOX 126A	LEWISTOWN 63452
* ROGERS, HC	FAIRVIEW KENNELS	RR 3	KIRKSVILLE 63501
* ROGERS, W&S	DBAD-WAH HU KENNEL	RT 3 BOX DDD	ROGERSVILLE 65742
* ROMINE, F	ROMINE FARMS	RT 2	CENTRALIA 65240
* ROSS, J		RR2	DOWNING 63536
* RUDHOFF, J & E	RUDHOFF'S KENNEL	RT. 1.	NEW FRANKLIN 65274
* RUMMERFIELD, DG		413 N. BALTIMORE	KIRKSVILLE 63501
* RUSH, R&GARDNER, LC	SHADY OAKS KENNEL		TUSCUMBIA 65082
* RYALS, GR		PO BOX 224	UNIONVILLE 63565
* RYAN, NR		RT 1	LACLEDE 64651
* SALMENS, RL		RT 3	FULTON 65251
* SANDEFUR, L		RT 1	GREENTOP 63546
* SANDERS, J & P & D		RT 2	NIXA 65714
* SANDRETTO, AD		BOX 96	NOVINGER 63559

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SAVAGE, WD		RT 1 BOX 254	MONETT 65708
* SCHELL, AV		RT 1	JASPER 64755
* SCHLOMAN, J & J		RR 2 BOX 178	HIGGINSVILLE 64037
* SCHMITTER, P&O		RR 3	LANCASTER 63548
* SCHOWENGOERTT, G		RR 1 BOX 443	ROLLA 65401
* SCHRAGE, MR		RFD 1	EDINA 63537
* SCHROEDER, LE	HILLTOP RABBITRY	P.O. BOX 33	HOUSE SPRINGS 63051
* SCHUTTE, J&W	THISTLEDOWN KENNELS	BOX 25	KEARNEY 64060
* SCHWARTZE, J & E	J & E PUPPY HAVEN KENNEL	BOX 162 A-7 RT 3	ODESSA 64076
* SCOTT, LG	JON-EA KENNELS	RT 3 BOX 206	CALIFORNIA 65018
* SCOTT, V&S		RT 2	GREENTOP 63546
* SCOTT, W&E	SUNNY HILL RABBITRY	ROUTE 3	FAYETTE 65248
* SEAY, J&J		RT 5	KIRKSVILLE 63501
* SEDERBURG, MO		RFD-1	MT STERLING 52573
* SELLENRIEK, A & D	RABBITS TOO INC	R 2 BOX 211	ST. CHARLES 63301
* SELLENS, L			BETHEL 63434
* SHARP, SW		400 N FULTON ST	EDINA 63537
* SHATZER, BD		BOX 124	ANABEL 63431
* SHAW, I			DOWNING 63536
* SHEARER, I		RFD 1	KNOX CITY 63446
* SHELTON, C&M	BLUE RIDGE KENNEL	PO BOX 236	GOODMAN 64843
* SHOULTS, NL	POM-A-DOR POMERANIANS	RR 2	LANCASTER 63548
* SHULTZ, FL		RFD 2 BOX 113	RUTLEDGE 63563
* SIEBUHR, C		RT 3	MOBERLY 65270
* SILLMAN, CR	CAR-DEL KENNELS	RT 3 BOX 20	WILLOW SPRINGS 65793
* SILVEY, A		BOX 396	LANCASTER 63548
* SKINNER, G		827 VINE ST	MACON 63552
* SKINNER, G		827 VINE ST.	MACON 63552
* SKIRVIN, M H		BOX 17	ELSBERRY 63343
* SMART, DE		R 4 BOX 63	CAMERON 64429
* SMITH, AV		RT 1	HIGBEE 65157
* SMITH, CL		R 2	ELDORADO SPRINGS 64744
* SMITH, EW&MF		RR 4 BOX 100	EL DORADO SPRINGS 65744
* SMITH, G	SKYVIEW KENNELS	R 1	DIAMOND 64840
* SMITH, H	DU-JARO KENNELS	RT 1 BOX 205	CALIFORNIA 65018
* SMITH, R		RFD 2 BOX 135	SHELBYVILLE 63469
* SMITH, SA	MARTIN BRANCH ENTERPRISES	RT 2 BOX 51A	FORDLAND 65652
* SNEED, W & D		2347 W KERR	SPRINGFIELD 65803
* SNYDER, P R		RT 3	TROY 63379
* SPAIN, JE	LYNN-DEE-LOU KENNELS	RT 4 BOX 564	CARTHAGE 64836
* SPARKMAN, J&T	FLYING ACRES KENNELS	RT 1 BOX 118	BROOKLINE 65619
* SPARKS, E		RR 6	UNIONVILLE 63565
* SPARKS, K&P	MING-TOI PUPPY FARM	RT 1 BOX 135A	VICHY 65580
* ST CLAIR, SR		RR 1	MOBERLY 65270
* ST. CLAIR, S		RFD 1 BOX 90	WYACONDA 63474
* STAHL, ML		RT 1	SYRACUSE 65354
* STALKER, PJ	PJ'S KENNEL	RT 1	HALFWAY 65663
* STELLER, S&D	SCOTTSDALE HAMSTERY	RT 1 BOX 67	IMPERIAL 63052
* STENDER, RE & MJ		RD 4	LAPLATA 63549
* STEPHENSON, H	DOG PATCH KENNELS	8903 NE 106TH TER LOT 53	KANSAS CITY 64157
* STEWART, B	STEWART'S KENNEL	RT 1	EUGENE 65032
* STOKES, FJ		RT 1	VERSAILLES 65084
* STONE, B	WILDBAR KENNEL	RR 2 BOX 200	MOUND CITY 64470

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* STIRLING, D		RR 4	KIRKSVILLE 63501
* STRICKLER, E		RFD 1 BOX 137	KAHOKA 63445
* SUMMERS,RW			GREEN TOP 63546
* SWAN, C		RT 1 BOX 31	BROOKLINE 65619
* SWANN, D		BOX 21	KNOX CITY 63446
* SWANSON, AE		RT. 1 BOX 431A	LIBERTY 64068
* SWETMAN, CL	PINE-TREE KENNEL	RT 1 BOX 251	ROLLA 65401
* SWOFFORD,Y		RT 2	EXETER 65647
* SYKES, G		RT. 1	DAWN 64638
* TAYLOR, CJ & CO	POM KEE KENNELS	RR 3 BOX 99A	ODESSA 64076
* TAYLOR, DJ&WM	TY-PHIL-DON'S KENNEL	RT 7 BOX 306	SPRINGFIELD 65802
* THOMAS, R		RR 1 BOX 54	GRANT CITY 64456
* THOMAS, J	OZARK HONEY DEW KENNEL	RR 1 BOX 129	ELKLAND 65644
* THOMAS, L & D	OZARK KENNELS	RT 1 BOX 274	EDWARDS 65326
* THORESON, S	THORESON KENNEL	RT 4	EL DORADO SPRINGS 64744
* THROCKMORTON,R		R 2, BOX 138	LABELLE 63447
* TRACY, L	TRACY'S GUARDIAN KENNELS	RT 1	WINSTON 64689
* TRIPLETT, E		RR 2	LANCASTER 63548
* TROUT, RS		RT 2 BOX 145	NEVADA 64772
* TURNER, T	GREEN VALLEY KENNEL	PO BOX 14	DUENWEG 64841
* URFER, WR	URFER KENNELS	STAR RT 2 BOX 135A	BRANSON 65616
* VAN HOOZER, V		RR 1	OSBORN 64474
* VAUGHN, R & VINYARD, J	GOLDEN RULE KENNEL	RT 2 BOX 299	ELDORADO SPRINGS 64744
* VEATCH, L		RR 1	COATSVILLE 63535
* VEATCH, PP		PO BOX 68	GLENWOOD 63541
* WATT, IM		BOX 802 N HWY 63	KIRKSVILLE 63501
* WALDREN, GM&JD	HI-LINE KENNELS	RT 1 BOX 195	CAMDENTON 65020
* WALKER, CK		RR 1	LIBERAL 64762
* WALKER, MRS. WM.	GREEN ACRES KENNELS	RT. 1 BOX 166	HUMANSVILLE 65674
* WALLACE, G&R		R 1	NOVINGER 63559
* WAMSLEY, D		RFD 1	NEWARK 63458
* WARD, P	SHANA ACRES KENNEL	R 1	CLEVER 65631
* WATTS, KL		RT. 4 BOX 58	BUTLER 64730
* WEAVER, BA		RR 1	GLENWOOD 63541
* WEAVER, E			CLARENCE 63437
* WEBER, G	G&M KENNEL	RT 1 BOX 215	GOODMAN 64843
* WEBER, MD&KD	WEBER KENNELS	RR 1	GREENTOP 63546
* WEIMER, J&D		RR 3	MACON 63552
* WELBORN, CB		RR 4	BUTLER 64730
* WELLMAN, E	WELLMANS KENNEL	RT 1	KIRKSVILLE 63501
* WELLS, M		RT 1	CALLAO 63534
* WELSH, NM		RR 1	GLENWOOD 63541
* WENDLING, HV		RFD 3	KAHOKA 63445
* WESTMORELAND, SM		RR 1	KIRKSVILLE 63501
* WHEELER, R & M	WHEELER'S KENNEL	RT. 2	NORBORNE 64668
* WHITE, WC	WHITE WOOD KENNELS	RT 2 BOX 197	ELKLAND 65644
* WIENHAUS, LM		RT 4	SALISBURY 65281
* WILKINSON, RL & RJ	BO-BEL KENNELS	RR 6 BOX 154	CARTHAGE 64836
* WILLIAMS, CE		1802 E NORMAL	KIRKSVILLE 63501
* WILLIAMS, E&S	WOODCREST KENNELS	RT 1 BOX 189AA	CLARKSBURG 65025
* WILLIAMS, M	OZARK MOUNTAIN KENNELS	STAR RT.	BRUNER 65620
* WILSON, C&D		RT 1 BOX 125A	AURORA 65605
* WILSON, J		BOX 27	FRANKFORD 63441

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* WILSON, SC	OUR GANG KENNEL	RTE 1	BOIS D'ARC 65612
* WILSON, VM		RR 1 BOX 1808	ELKLAND,65644
* WINANS, OV&E		RT 1 BOX 90	CARTHAGE 64836
* WINTER, W	WINTERVALE KENNELS	RT 2 BOX 166	STRAFFORD 65757
* WISDOM, JW		RR 3	MACON 63552
* WOLFINGTON, H		RR 1	MULBERRY 66756
* WOOD, A			BETHEL 63434
* WOOD, J		RR 2	LA PLATA 63549
* WOOD, JC	WOOD KENNELS	RT 1	LA PLATA 63549
* WOOD, M		RFD 1	BETHEL 63434
* WOOD, R		RR1	BRASHEAR 63533
* WOODS, WE		1333 E WALNUT	NEVADA 64772
* WOODY, O & A			GALT 64641
* WORTHINGTON, BJ		RT. 1	ELDORADO SPRINGS 64744
* WRIGHT, CE	4 ACRE KENNELS	ROVER RT	WEST PLAINS 65775
* YOUNG, EK		RR 3	NOVINGER 63559
* YOUNG, HO	SUNNY SLOPE FARM		ROCHEPORT 65279
* YOUNG, RJ		RR 1 BOX 2028	KIRKSVILLE 63501
* ZAMORA, A & N	ALMANAZA RABBIT HUTCH	RT 1 BOX 136-89	WRIGHT CITY 63390
* ZUMBRUNNEN, GJ		RR 2	CLINTON 64735
* ZUSPANN, V		RFD 3 PO BOX 34	EDINA 63537

MONTANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CORBETT, P & C	CORBETT'S EXOTIC ANIMALS	RT 1 BOX 251	SIDNEY 59270
* HOUSEMAN, FR	HOUSEMAN'S RABBITRY	RR 2 MULLAN RD	MISSOULA 59801
* RIGGS, P & F	YORKSHIRE SQUARE	405 1ST NE	HARLOWTON 59036
* ROSECRANS, RC		PO BOX 950	HAMILTON 59840
* RUHMANS, L	MOCCASIN MOUNTAIN KENNELS	RT. 2 BOX 78A	HANOVER 59457
* WALKER, T&F		1775 NORTH LN	DILLON 59725
* WEGNER, H & E	WEGNER KENNELS	2095 WASHINGTON ST	BILLINGS 59101

NEBRASKA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALBIN, J		RT 3	HUMBOLDT 68376
* ANDERSON, GP & SR	HIGHLAND FARMS	RT 2	PLATTSMOUTH 68048
* ANDREWS, M&M		RT 1 BOX 106	ALBION 68620
* ASH, L		802 WEST 27TH	SCOTTSBLUFF 69361
* BAILEY, LL	L&L KENNELS		EDGAR 68935
* BECK, M	SANDHILLS KENNELS	STAR ROUTE	PARKS 69041
* BEMIS, J			SURPRISE 68667
* BEMIS, JS		BOX 64	RISING CITY 68658
* BLECHA, D		RT 3 BOX 100	HUMBOLDT 68376
* BLOBAUM, R & M		RT 4	FAIRBURY 68352
* BOWLING, A&W		RT 3	TECUMSEH 68450
* BOYKIN, GL	SILVER VALLEY ACRES KENNEL	P.O. BOX 276	EDGAR 68935
* BRAUCH, GN		RT 1	HEBRON 68370
* BREEDEN, JE	BREEDEN'S KENNELS	RR# 1	STEELE CITY,68440
* BREWSTER, L		919 NO I	FREMONT 68025
* BREUNSBACH, L			LIBERTY 68381
* BROSH, D&M	BROSHS KENNELS	RR 3	PENDER 68047
* BRUNING, S	BRUNING KENNELS		SHICKLEY 68436
* BURGESS, C&BJ	DIAMOND B KENNEL	RR 1	RISING CITY 68658
* BUSCH, RL		RR 3	KEARNEY 68901
* CHLOUPEK, R		RT 1 BOX 65	LITCHFIELD 68852
* CLASON, M&E	HIDDEN SHADOW'S CATTERY	BOX 82	ATHINSON 68713
* COOK, L		RT 1	SUTHERLAND 69165
* CRANNELL,T		1012 SO 16TH	TEKANAH 63061
* CUMRO, S	INDIAN CREEK KENNELS	BOX 13	ODELL 68415
* CYRGUS, INC.		3710 D ST	OMAHA 68107
* DARROW, CE		RT. 4 BOX 130	FAIRBURY 68352
* DAUBERT, E		6229 S 43RD	OMAHA 68107
* DEKE, B	TRIPLE D FARM	RT. 1 BOX 17	OHIOWA 68416
* DELLEN INC		8445 LAKE ST	OMAHA 68134
* DIETZ, B		RT 2 BOX 59	ORLEANS 68966
* DIETZ, J		RT 1 BOX 111	ORLEANS 68966
* DIETZ, JR			STAMFORD 68977
* DUENSING, LJ		RR 1 BOX 46	BYRON 68325
* DUNNING, GP & DD		324 S. 6TH ST.	WYMORE 68466
* DURST, GD & LJ		BOX 8	VIRGINIA 68458
* DVORAK, G&C	DVORAKS RANCH KENNELS	RR 2	ATKINSON 68713
* ECKSTEIN, LJ		RR 1	SCHUYLER 68661
* EICHENBERGER, A&L		RT 1	PAWNEE CITY 68420
* EITZMANN, A & L	EITZMANN KENNELS	RR	BYRON 68325
* ELTING, DA	SUNNYVIEW KENNELS	RR 1	CARLETON 68326
* ELTING, L			HEBRON 68370
* FERGUSON, L&P	IDLE ACRES KENNELS	RT 1	BRADY 69123
* FLEISCHER JR, WR	B MAR KENNELS	STAR ROUTE	GOTHENBURG 69138
* FLETCHER, N	DEL ARROW KENNELS		LITCHFIELD 68852
* FOLEY, J & M	GOLDEN VALLEY KENNELS	RR 2	BLAIR 68008
* FOLKEN, M		RT. 1	RICHLAND 68657
* FORREST, C & S		NORTH HIGHWAY 81	HEBRON 68370
* FRITZ, MK			BARTLEY 69020
* GITTINGER, W & K	DIS 'N DAT KENNELS	RT 3	AUBURN 68305
* GLATTER, K		ROUTE 1 BOX 35	SHELBY 68662
* GORACKE, R		RT 2 315 N. 4TH	TECUMSEH 68450
* GRIFFIN, E & MA	GRIFFIN'S KENNELS	321 W 3RD	FAIRBURY 68352

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
C**			
* GRUNTORAD, E		RT. 3 BOX 20	SEWARD 68434
* GUESS, D&R	THE PET PIT	RT 1	NEBRASKA CITY 68410
* HALLER, V	ELMTREE KENNEL	BOX 2A ANTIOCH RT	LAKESIDE 69351
* HARPER, S & RULE, D		BOX 92	BARNESTON 68309
* HARRINGTON, DD	HARRINGTON'S KENNELS	RT 2 BOX 121	NELSON 68961
* HAYNES, M		RT 1	AUBURN 68305
* HERR, JA		RT 1, BOX 140	HUMBOLDT 68376
* HERR, L&D		RT 1 BOX 120	WISNER 68791
* HERR, RL	HERR'S KENNEL	RR 1 BOX 147	HUMBOLDT 68376
* HEYNE, W		830 N. MAIN	WEST POINT 68788
* HOFFMAN, J		RR 3	NORFOLK 68701
* HOWE, MA		815 N 5 ST	BEATRICE 68310
* HUBBELL, MRS. G & S		3010 SHIRLEY COURT	LINCOLN 68507
* HUETTNER, D		RR 1	RULO 68431
* INGLIS, J & D		RT 1 BOX 61	RULO 68431
* JEANS, M	CIRCLE J KENNELS	RT 2 BOX 26	INDIANOLA 69034
* JEFFERS, F		1517 W. 3RD ST.	MCCOOK 69001
* JOHNSTON, R&K	JOHNSTON KENNELS	R 1	CORTLAND 68331
* JONES, BL&NR	BLUE RIVER KENNELS	BOX 205	BLADEN 68928
* JUREK, L		RR 1	BLAIR 68008
* KARMANN, MH		RR 1	CEDAR RAPIDS 68627
* KASSEBAUM, C & D	ANN-MARIE KENNELS	BOX 182	HEBRON 68370
* KEARNEY, L & K	LEKAR'S KENNEL	RR 2 BOX 107A	ST. EDWARD 68660
* KELLE, S		BOX 936	ADAMS 68301
* KENYON, M		PO BOX 202	MITCHELL 69357
* KNAPP, I		RT 1	BIG SPRINGS 69122
* KOELLING, O	KOELLING ECHO KENNELS	RT 2 BOX 67	ORD 68862
* KOST, HF	KOST'S RABBITRY	BOX 4	BRAINARD 68626
* KRENK, E	PAMPERED PETS	1404 S CENTER	BEATRICE 68310
* KUESTER, R&D	HUMBUG CREEK KENNEL	RR 1 BOX 83	PILGER 68768
* KUHL, J&A			ORLEANS 68966
* KUHLMANN, JM	COUNTRY SIDE KENNEL	RR 2 BOX 40	HUMBOLDT 68376
* KUMPOST, RC	KUMPOST KENNELS	403 S 7TH	PIERCE 68767
* LAMPRECHT, L		RFD #2, BOX 123	OXFORD 68967
* LEWIS, M&V		RR1 BOX 41	RUSKIN 68974
* LINDEKEN, T	LINDEKEN'S HILLSIDE KENNELS	RT 1 BOX 222	SCOTTSBLUFF 69361
* LOOMIS, P	VALLEY VIEW KENNEL	MARPLE RT BOX 66A	ALLIANCE 69301
* MADDUX, T			PALISADE 69040
* MARCH, R & T		BOX 93	BARNESTON 68309
* MCALEXANDER, A&E		R 1 BOX 48	COOK 68329
* MCCORD, L&R		RR 4 BOX 110	FAIRBURY 68352
* MCCORD, V	BLUE HILL KENNEL	BOX 110 RR 4	FAIRBURY 68352
* MCMILLAN, J&J	MCMILLAN KENNELS		ARTHUR 69121
* MCROBERTS, J	MCROBERTS GAME FARM		GURLEY 69141
* METZNER, S & M	SUNNY SLOPE KENNEL	RR 1	FALLS CITY 68355
* MEYER, D&J	PONDEROSA KENNELS	RT 2 BOX 54	SIDNEY 69162
* MONASMITH, ML & J			CHAMPION 69023
* MONNETTE, DM		RT 1 BOX 69	STELLA 68442
* MORROW, C&M		RR 1 BOX 84	TEKAMAH 68061
* MURRAY, A	MURREY'S CHARLIE BROWN KENNEL	BOX 55	POTTER 69156
* NICHOLSON, MA	NICHOLSONS KENNEL		LEBANON 69036
* NORDEN LABS. INC.		PO BOX 80809	LINCOLN 68501
* PACKER, J		RT 2 BOX 246	WOODRIVER 68883

NEBRASKA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* PLATT, V&FL	PLATT KENNEL		HAY SPRINGS 69347
* PLEAS, MRS G		RT 1	OXFORD 68967
* POHLMAN, R	PINE CREST KENNEL	RT 2	STANTON 68779
* POMAJZL, R		BOX 258	WILBER 68465
* POST, TJ	SAM-BO KENNELS	BOX 197	NAPONEE 68960
* PRICE, GJ		R 1	INDEPENDENCE 67301
* QUTRING, J&H	SHAMROCK KENNEL	RR 1 BOX 11	STANTON 68779
* RATHJEN, R & D	TRIPLE R KENNEL	RT. 2 BOX 116	ULYSSES 68669
* REARS, MRS D			STELLA 68442
* REZNICEK, B&W	BORENDY ACRES KENNEL	RR 2	DODGE 68633
* RHONE, D		R1 2 BOX 117A	COZAD 69130
* RIFKE, WW		BOX 81	CHESTER 68327
* RIFSSLAND, K&D	LITTLE ACORN KENNELS	R1 1 BOX 111	LITCHFIELD 68852
* ROGERS, S&G	ROGERS ROVERS	R1 1	ENDICOTT 68350
* ROLLINS, W & K	ROLLINS KENNEL	R1	CORTLAND 68331
* ROUSE, B & P	CROWN KENNELS	914 S 9TH	MCCOOK 69001
* SASCO INC		612 N 16TH ST	OMAHA 68102
* SCHMIEDING, L		4210 N 14TH	LINCOLN 68521
* SCHNEIDER, UK		7272 N 34TH ST	OMAHA 68112
* SEJKORA, H			BURCHARD 68323
* SEKUTERA, C	DIAMOND KENNEL	R1 1 BOX 28	LITCHFIELD 68852
* SHRADER, D	DUANE SHRADER & SONS	625 S 51ST ST	LINCOLN 68510
* SHRIVER, T&E	OREGON TRAIL KENNELS	R1 1 BOX 40	HASTINGS 68901
* SINGLETON, BM	SINGLETON RANCH	RFD 1 BOX 70	DIX 69133
* SINN, W	GREEN ACRE KENNEL	R1, 1 BOX 27	FAIRBURY 68352
* SOWARDS, JJ	J'S KENNELS	R1 2	HEBRON 68370
* STANLEY, D		R1 1	CRAB ORCHARD 68332
* STEVENSON, R	NEBRASKALAND KENNELS		RICHLAND 68657
* STITT, B	MC GREW KENNELS	BOX 185	MC GREW 69353
* SULLIVAN, D & R	BARBENDALE KENNEL	RT. 2	PALMER 68864
* SUMMERS, C&J		COUNTRY MOBIL VILLA #158	COLUMBUS 68601
* SUMP, G&D	OAK LEAF STABLES	13309 S. 72ND ST.	OMAHA 68128
* TOPP, E & F		RT 2	TECUMSEH 68450
* TOPP, R&C		RT 2	TECUMSEH 68450
* TUTTLE, RG & MM	ROY TUTTLES DOGS	BOX 253	EWING 68735
* ULDRICH, F		RR 1	DEWEESE 68934
* URLING, KC	KATHIE'S KENNEL	RR 1	WILSONVILLE 69046
* VAN METER, E&T			HARDY 68943
* VICKERS, JL&C	PUPPY LUV KENNELS	BOX 212	TILDEN 68781
* VLASIN, RJ&EB		RT 1	CRETE 68333
* WEHR, WW JR	EXCALIBUR INTERNATIONAL	4619 S 88TH	OMAHA 68127
* WEHRMAN, SR		BOX 32	NELSON 68961
* WILLMS, SR., JJ & R	WILLMS KENNELS	2106 KEENE DR	COLUMBUS 68601
* WOLTEMATH, V		BOX 79	ELK CREEK 68348
* WRIGHT, F			STAMFORD 68977
* YAKLE, B	RIVERSIDE KENNEL	2314 AVE I	SCOTTSBLUFF 69361
* YAW, B			CHAMPION 69023
* YAW, C			NEWPORT 68759
* ZEIGLER, NM			NELSON 68961
* ZIMMERMAN, M&L	ZIMMERMAN KENNELS	RFD 3	NEBRASKA CITY 68410
* ZIVERTS, K&V		130 E ST	LINCOLN 68508

NEVADA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* NEVADA LLAMAS		PO BOX 1803	CARSON CITY 89701
* WRIGHT, D & H	PETTIN PLACE	1121 SOUTH WELLS AVE.	RENO 89509

NEW HAMPSHIRE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BARRATT, D & D	ROCK HAVEN RABBITRY	BOX 598 CHURCH ST	DREWSVILLE 03604
* BATEMAN, M		60 GARLAND RD.	RYE 03870
* BEAUDRY, EJ		WILSON'S CROSSING RD	AUBURN 03032
* COPPO, J	BUNNYLAND RABBITRY	45 SOUTH ST	TROY 03465
* COUGHLIN, R		NEW BOSTON RD.	BEDFORD 03102
* GEORGE, M		MILL RD BOX 47	KINGSTON 03848
* GREENE, E		LOWER SMITH HILL RD	FRANKLIN 03235
* LOUNDER, R		47 PROCTOR ST	KEENE 03431
* MASTINE, R	ROSIE'S PIGGIES	82 WARREN ST	LACONIA 03246
* MCCORMICK, RG & H	ROVAM RABBITRY	P O BOX 72	MUNSONVILLE 03457
* MILLETTE, J		TOLEND RD.	BARRINGTON 03825
* SNELLING, G		RFD 2, BOX 141	CLAREMONT 03743
* TRUSTEES OF DARTMOUTH COLLEGE		PO BOX 432	HANOVER 03755
* ZINA, AS		PLEASANT ST	GREENVILLE 03048

NEW JERSEY
02/15/79

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ALLENDALE AVIARIES, INC.		53 COTTAGE PL	ALLENDALE 07401
*	BARTON'S WEST END FARMS I NC		RD 1 BOX 241	OXFORD 07863
*	BIOLOGICAL SYSTEMS INC		2367 LAKEWOOD RD	TOMS RIVER 08753
*	BURKE, CA		BOX 193 RD. #5 RT 547	JACKSON 08527
*	BYRNES, J	VALLEY FARMS	199 BROWERTOWN RD	W PATERSON 07424
*	CAMM RESEARCH INSTITUTE I NC		414 BLACK OAK RIDGE RD	WAYNE 07470
*	CHAMPLAIN BIO. SERV. INC.			GLEN GARDNER 08826
*	CHARLES RIVER LAKEVIEW		PO BOX 85	NEWFIELD 08344
*	CLAUSS, GJ	APPALACHIAN FARMS	RD 1 WARWICK TURNPIKE	WARWICK 10990
*	DAGROSA, F & M	LE CHIEN GROOMING SALON & PETS	2406 ATLANTIC AVENUE	ATLANTIC CITY 08401
*	FEDECHKO, G	SOUTH JERSEY BIOLOGICAL FARM	DOWNER RD BOX 315	WILLIAMSTOWN 08094
*	FOOD & DRUG RESEARCH LAB INC		60 EVERGREEN PL	EAST ORANGE 07018
*	FUHR,B	DAVIDSON'S MILL FARM	RD 1 BOX 184	JAMESBURG 08831
*	GOLUB, ML & WEINBERG, F	TOPICAL TROPICALS	301 ISLAND RD	MAHWAH 07430
*	GUMPERZ, E	CHICK LINE CO	PO BOX 5	VINELAND 08360
*	HANNA, TR		CRAIG RD.	NESHANIC STA. 08853
*	K-G FARMS INC		3651 HILL RD	PARSIPPANY 07054
*	LEIBOWITZ, A	QUALITY KENNELS	1585 WIDER LANE	LAUREL SPRINGS 08021
*	LIBERTY LABORATORIES		PO BOX 1	LIBERTY CORNER 07938
*	MARLAND BREEDING FARMS IN C		BOX 531	HEWITT 07421
*	MCGEE, M	BREEZY ACRE FARMS	PO BOX 83	CHATHAM 07928
*	MOFFETT, TF	NEW JERSEY MURARIUM	SHINNY LANE RFD 1	LAWRENCEVILLE 08648
*	ORTHO PHARMACEUTICAL CORP	ORTHO RESEARCH FARM		RARITAN 08869
*	PRIMELABS, INC.		MAMMOUTH COUNTY AIRPORT PO BO X 646	FARMINGDALE 07727
*	RIESCHL, WH	REPTILE PLACE	118 RT 17	UPPER SADDLE RIVER 07458
*	SILVERMAN, IL	SILVER-MANOR PERSIANS	386 PLAINFIELD RD	EDISON 08817
*	SPADE, DL & S	EDGELY RESEARCH FARM	BOX 65 CHESTERFIELD & GEORGET OWN RD	COLUMBUS 08022
*	SWEENEY, DJ	KANNON'S KENNELS	1602 FORT ST	BRICKTOWN 08723
*	TINBERGEN, K	SUNRISE LABORATORY ANIMALS	RIDGE RD RD 2	WHITEHOUSE STA 08889
*	TRIPLE R RABBITRY		PO BOX 301	MANASQUAN 08736
*	TURNER, V		9 S DELSEA DR	GLASSBORO 08028
*	VRANA, R		BOX 427A RD 1	MILLVILLE 08332
*	WEST JERSEY BIOLOGICAL SU PPLY		5 MARION AVE	WENONAH 08090
*	WHALEY, MT	SUMMIT VIEW FARM	RD 1 BOX 293	BELVIDERE 07823
*	WILLIAMS, JE	HILLDALE FARMS	BOX 958	FRANKLINVILLE 08322
*	ZUCCA'S HAMSTERY, INC.		1541 S ALLEN AVE PO BOX 507	VINELAND 08360

NEW MEXICO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BOND, FB	AURIGNY KENNELS	RT 2 BOX 307	CLOVIS 88101
* HUNGERFORD, P	GYPSY'S KANINE HAVEN	RT 1 BOX 1008	TEXICO 88135
* MCKEAN, D & C	KACTUS KENNELS	PINE SPRINGS RT	CARLSBAD 88220
* RABBIT RANCHES, INC.		PO BOX 305	ORGAN 88052
* RUEBUSH, OL	KEENRIDGE RABBIT RANCH	BOX 266	EDGEWOOD 87015

NEW YORK
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AGWAY INC.	AGWAY TECHNICAL CENTER	PO BOX 1333	SYRACUSE 13221
* ANCARE CORP		47 MANHASSET AVENUE	MANHASSET 11030
* ATWOOD, DF		OLD RT 20	EAST NASSAU 12062
* AURORA SCIENTIFICS INC		P.O. BOX 239	EAST AURORA 14052
* BEAN, AG		RD 3	MORAVIA 13118
* BECKEN, RC&EN	BECKENS RESEARCH ANIMAL FARM	2585 UPPER MT RD	SANBORN 14132
* BEY, W	QUALITY PETS	35 MONTROSE AVE.	BUFFALO 14214
* BODDIS, G	BODDIS FARMS	BOX 376A COUNTY RD 11	CRARYVILLE 12521
* BOWLEY, C		6774 CICERO-BRIDGEPORT RD.	CLAY 13041
* BRACKETT, CE		54 JUDSON	CANTON 13617
* BRONSON, JL	BRONSON TROPICAL BIRDS	70 NAGLE AVE	NEW YORK 10040
* BUCKREPG LAB ANIMALS INC		FREEHILL RD	TOMKINS COVE 10986
* CANLON, EJ	NEW SPRINGVILLE LABORATORY ANIMALS	300 ROBINSON AVE	STATEN ISLAND 10312
* CATSKILL WILD ANIMAL SUPPLY, INC		RD 1 BOX 92	CATSKILL 12414
* CHAMBERS, T		RD 1	DEXTER 13634
* CHASE, JE		RD 1 BOX 123A	FLYCREEK 13337
* CHUPA, J		JOSLEN BLVD	HUDSON 12534
* CLEVELAND, H		RT 1	RENSSELAERVILLE 12147
* CORNELL UNIVERSITY	CORNELL DOG FARM		ITHACA 14853
* CRIDDLE, W	WINONA CRIDDLES CAVIARY	BOX 200 TUNNEL RD RD 1	PORT CRANE 13833
* CROUNSE, JC		RD 1 PARKERS CORNERS	ALTAMONT 12009
* DRANNBAUER, E		RR 1 BOX 258	STAMFORD 12167
* DUMBLETON, D&F	WINDY NOB FARM	5164 LINDEN RD	E BETHANY 14054
* DZIERZANOWSKI, BR		8471 SEVEN SPRINGS RD	BATAVIA 14020
* F J ZEEHANDLELAAR INC		6 SICKLES AVE	NEW ROCHELLE 10801
* FABRY, EG	FAB LABS	2 ROSE COURT	NEW CITY 10956
* FARLEY, JW	FARNSWORTH MIDDLE SCHOOL	20 CORONET COURT	SCHENECTADY 12309
* FLINN, PJ	FLINN'S RABBITRY	160 ONTARIO ST	ALBANY 12206
* FORTIER, J	ECHO VALLEY RABBITRY	RD 2	SALEM 12865
* FOWLER, L		LAKE NANCY RD	MIDDLE GROVE 12850
* FUGLE, N		EAGLE RD	BLISS 14024
* GABRIEL, R	FRONTIER RABBITRY	3115 LYDIUS ST	SCHENECTADY 12303
* HINDFRER, RR	RICHARD'S COMMERCIAL RABBITRY	RD 2	ASHVILLE 14710
* JC SCHULZ, INC.		RD 1 BOX 92	CATSKILL 12414
* JOHNSON, R & B	JOHNSON'S FOLLEY	RD 1 HADDEN RD	SAVANNAH 13146
* KIRFEL, R	COUNTRY PETS	RT 1 BOX 309	MIDDLE ISLAND 11953
* KOENIG, H		RD 2 BOX 167	DELANSON 12053
* KRUTULTS LABORATORIES INC		PO BOX 153	BRIDGEPORT 13030
* LAMOUNTAIN, H & D		RD 2 BOX 282	SELKIRK 12158
* LAWYER, EA	LI'L RANCH RABBITRY	RD 1 MCCONCHIE RD.	GALWAY 12074
* LOGAN, JF		RD 3	PENN YAN 14527
* LOTITO, A		375 ELLIS HOLLOW CK RD	ITHACA 14850
* MARKS, K		73 MOON RD	ARGYLE 12809
* MARSHALL RESEARCH ANIMALS INC		RR 1 BOX 91	NORTH ROSE 14516
* MERZACCO, EJ	PET LOVERS PARADISE	2309 ELMWOOD AVE	KENMORE 14217
* MILLSTONE FARMS CORP.	SHELLSTONE FARMS	RD 2	AMSTERDAM 12010
* MOORE, WK	W MOORE BIRD CO	192 BELMONT RD.	ROCHESTER 14612
* NOTEBOOM, P		472 FISHER SETTLEMENT RD.	SPENCER 14883
* NOVAK'S TROPICAL AVIARY CORP.		113 K BROOK AVE.	DEER PARK 11729

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* PHILLIPS, A		RD 2 BOX 386	WARWICK 10990
* PRIMATE IMPORTS CORPORATION		34 MUNSON ST	PORT WASHINGTON 11050
* PUTNAM PETS INC		RT 6	CARMEL 10512
* RIO, HR		RD 1	CENTRAL SQUARE 13036
* RITCHIE, W		BOX 588	PHILMONT 12565
* SCHMIDT, LL	SCHMIDT'S RABBITRY	6390 GOODRICH RD	CLARENCE CT 14032
* SCIENCE KIT INC		777 EAST PARK DR	TONAWANDA 14150
* SHURTLEFF, F		RD 2	AVERILL PARK 12018
* SLIWINSKI, E	CRITTERS 'N' CREATURES	5946 SHERIDAN DR.	WILLIAMSVILLE 14221
* SMITH, D & J	DONS RABBITRY	P O BOX 15	WATERLOO 13165
* ST LAWRENCE VALLEY ETV COUNCIL INC	WNPE-WNPI PUBLIC TELV.	PO BOX 114	WATERTOWN 13601
* STATEN ISLAND ZOOL. SOC., INC.		2796 FISHER RD	WARSAW 14569
* STUMBO, DL	STUMBO FARMS	O'NEIL RD	LIMA 14485
* SWEDOWSKI, LR	SKEE'S LITTLE ANIMALS	P.O. BOX 237	PAVILION 14525
* THE MARY IMOGENE BASSETT HOSPITAL			COOPERSTOWN 13326
* THOMPSON, PE	GREENWOOD GAME FARM	RD #1 BOX 73	NEWARK VALLEY 13811
* TRANS-AMERICAN PET DIST., INC		9811-4TH AVE	BROOKLYN 11209
* TRUMAN, F	TRUMAN'S KENNELS		BLODGETT MILLS 13738
* VAN ETTEN, J		STAR ROUTE	ALTAMONT 12009
* VAN WARNER, R & F	RIVER VIEW KENNELS	RD 1 BOX 211	NEW BERLIN 13411
* WARDS NATURAL SCI. ESTAB., INC.		PO BOX 1712	ROCHESTER 14603
* WEBB, F		55 NEW HARTFORD ST	NEW YORK MILLS 13417
* WELLS, EF		BOX 174	SPRINGFIELD CENTER 13468
* WRIGHT, RC	THE RABBIT FACTORY	BOX 132,RD #1	MARYLAND 12116

NORTH CAROLINA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLSBROOK, AC	MAGADA PINES KENNEL	RT 1 BOX 275	SCOTLAND NECK 27874
* AQUA-RAMA PET CENTER INC		4947 BRAGG BLVD	FAYETTEVILLE 28303
* BEANE, A	PUPPY-LAND KENNEL	RT 1 BOX 299	FRANKLINVILLE 27248
* BERRY WATER GARDENS INC		PO BOX 607	KERNERSVILLE 27284
* BILLINGSLEY, JP	B & B HAMSTERS	RT 5 BOX 40	REIDSVILLE 27320
* BROWN, RC	BROWN'S BUNNY BARN	RT. 1 BOX 548	FRANKLINVILLE 27248
* BURKE, D		RT. 3 BOX 229	ROSEBORO 28382
* CANADY, S	CANADY KENNEL	RT 1 BOX 162	CLINTON 28328
* CLEVELAND COUNTY HEALTH D EPT.	CLEVELAND ANIMAL SHELTER	PO BOX 1528	SHELBY 28150
* COOKE, AR	BUFFALO RANCH TRADING POST	RT 7 BOX 203 HWY 49	CONCORD 28025
* CORAL SEAS ENTERPRISES, I NC.		3629 NORTH BLVD.	RALEIGH 27604
* FRANKLIN, L & J	FRANKLINS'S RABBITRY AND SUPPL Y	PO BOX 1067	WAKE FOREST 27587
* GORDON, GR	SMALL STOCK FARM PET SHOP	RT 6 BOX 93	SHELBY 28150
* GRAVITT, M	BAUX MT BEAGLE FARM	RT 2 BOX 187	GERMANTON 27019
* GREAT ADVENTURE, INC.		2700 YORK ROAD	BURLINGTON 27215
* KOWNELL, B		115 W. JACKSON AVE.	GREENVILLE 27834
* MCKENZIE, CL	CEDARWOOD RABBITS	RT 2 BOX 45A	LIBERTY 27298
* MCLAURIN, A	MCLAURINS KENNEL	RT 1 BOX 150	WADE 28395
* MURPH'S KENNELS INC		RT 1	NEWTON GROVE 28366
* OWENS, R & WOOTEN, T	MOUNTAINEER PETS	RT 4 BOX 467 B	KINGS MTN 28086
* PHILLIPS,BZ	PEARCROFT CATTERY	RT 1 BOX 486	BEAUFORT 28516
* PRITCHARD, G		907 HILLCREST AVE	GRAHAM 27253
* RILEY, GF	RILEYS BUNNY HAVEN	RT 2 BOX 519 LINDEN RD	DURHAM 27705
* ROUNDTREE, WP	ROUNDTREE RABBITRY	RT 1 BOX 195	GATESVILLE 27938
* SCHABER, RM	RARE ENDANGERED FELINES	RT. 2 BOX 724	ELIZABETHTOWN 28337
* SCRUGGS, C		RT 2	SHELBY 28150
* SEIFRIED, RL	PET HAVEN, INC	5121 S BLVD	CHARLOTTE 28210
* SHEPHERD, SR. C	HARROFF, JC	RT. 1 BOX 590	CONCORD 28025
* SINGLETON,A	SINGLETON KENNELS	R 1 BOX 2708	FAYETTEVILLE 28301
* SOUTHEASTERN LABORATORY A NIMAL FARM INC		RT 1 BOX 285	APEX 27502
* SUTHARD,H	DEAVERVIEW RABBIT RANCH	502 DEAVERVIEW RD	ASHEVILLE 28806
* WISE, A	TARHEL CATTERY	RT #1 BOX 60E	BENSON 27504
* WOOD, MR	BUSH HILL RABBITRY	306 ENGLEWOOD DR	ARCHDALE 27263

NORTH DAKOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BROWN, D & P		STAR RTE 3 BOX 29B	WATFORD CITY 58854
* HOFFMANN, B & M	KILLDEER MOUNT. KENNELS	R 3 BOX 39	KILLDEER 58640
* KLOSE, EF & F	EL DOR KENNELS	RT 2 BOX 54	JAMESTOWN 58401
* LANDSEM, LO&HA		RR 1	EDMORE 58330
* MICHAUX, A		BOX 44	BOTTINEAU 58318
* MOOS, LG	APPLE CREEK KENNELS	RT 1 BOX 109	BISMARCK 58501
* RYUM, RE			NECHE 58265
* SERR, T&S	PRARIE VIEW KENNELS		HAZELTON 58544
* WYCKOFF, G	C-BAR-H CATTERY	RT 1 BOX 210A	BOTTINEAU 58318

OHIO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANDERMATT, RL	FINS FUR AND FEATHERS	118 N FAYETTE ST	WASHINGTON CH 43160
* ANTHONY P & BALL A	KISER LAKE KENNELS	BOX 541	ST. PARIS 43072
* BAILEY, ZE		2106 US 68 SOUTH	XENIA 45385
* BAKER, F		R 1	LEESBURG 45135
* BLUE, C	BLUES ANIMAL FARM	16241 ROBINSON RD	PLAIN CITY 43064
* BOWMAN, HH		STAR ROUTE BOX 44	MILLERSBURG 44654
* BROWN, DA	PETLAND OF PORTSMOUTH	836 GALLIA ST	PORTSMOUTH 45662
* BROXTERMAN, JA		4214 ZAGAR DR	CINCINNATI 45245
* BUEHRER, P	SWANCREEK RABBITRY	RT 2	DELTA 43515
* BURCHFIELD, M		2217 STAR ROUTE 132	GOSHEN 45122
* BURRIER, D&L	LINDAUF KENNEL	R 1	NEW COMERSTOWN 43032
* CAMPBELL, L & S	TINKER'S RABBITRY	8775 US 22NE	NEW HOLLAND 43145
* CARPENTER, K & D	PET_AND MONTGOMERY	8102 MARKET PLACE LN	CINCINNATI 45242
* CARR, GC		54 E BEAUMONT RD	COLUMBUS 43214
* CLARK, FL		1078 PENNSYLVANIA AVE.	COLUMBUS 43201
* CLAYTON, L		8625 DENISON AVE.	CLEVELAND 44102
* COCKRELL, L&P	PLUMMER RABBIT RANCH	RT 2 BOX 331C	PEEBLES 45660
* COLLIER, JE & RR	COLLIER'S RABBITRY	PO BOX 30	CASSTOWN 45312
* COOK, LA	LYNN COOK CAVIES	5885 W ST RT 571	WEST MILTON 45383
* COX, FR		8315 S.R. 28 RT 1	LEESBURG 45135
* DARGITZ, W&D	DIAMOND D KENNEL	RR 2	MONTPELIER 43543
* DAULTON, JF		RT 1 BOX 111A	GALION 44832
* DAUM, WG	PUPPY WAGGIN EXPRESS	1346 MAPLEVIEW DR	ZANESVILLE 43701
* DIPANE, P	FINS, FEATHERS & FURRY THINGS	4287 SUNNYBROOK RD.	KENT 44240
* DRUM, OL		R 2	CORTLAND 44410
* DURIGG, W		83 SPRAGUE RD	BEREA 44017
* DYE, B & A	PETLAND	9 S. 3RD ST.	NEWARK 43055
* EACOTT, JR. RJ		5957 CENTER ROAD REAR	VALLEY CITY 44280
* ECHELBARGER, S	LITTLE ACRES KENNEL	1-18502-USA-20	WAUSEON 43567
* EDMISTON, CA		5930 BRYAN RD	OREGON 43618
* FORTUNATO, DD		4015 MASSILLON RD	UNIONTOWN 44685
* FREY SCIENTIFIC CO INC		905 HICKORY LANE	MANSFIELD 44905
* FULLER, E&V	FULLERS KENNELS	105 ROBINSON ST	TIRO 44887
* GARRETT, WR		8090 KILBY RD	HARRISON 45030
* GENTER, OV		R 2	ARCHBOLD 43502
* GOTTLIEB, H		264 BRANDTSON AVE	ELYRIA 44035
* GREEN, HW		1859 E HIGH AV	NEW PHILADELPHIA 44663
* GREGORY, SC	CRITTERS	3100 LINWOOD RD	CINCINNATI 45208
* GRIMSLEY, BJ		RR 2	MT STERLING 43143
* GROSS, AJ & V	GROSS'S RABBITRY	7041 TUCK'S LN	HILLSBORO 45133
* GRUBAUGH, R&I		10750 W VERSAILLES RD	COVINGTON 45318
* GUTMAN, H&E		16146 ROCK CREEK RD	THOMPSON 44086
* HARYAN, PJ	BROOKLINE KENNELS	PO BOX 63	RANDOLPH 44265
* HARMON, D		608 WOOSTER RD	MT. VERNON 43050
* HEIGHTS PET WORLD INC.		1763 COVENTRY RD.	CLEVELAND 44118
* HELWIG, R	HARTWELL OF SILVERTON PET SHOP	5036 SR 222	BATAVIA 45103
* HEMPFLING, R	PETLAND OF CHILLICOTHE	31 S. PAINT ST.	CHILLICOTHE 45601
* HERRICK, T	BEAUMANOR FARMS	9578 MULBERRY RD	CHESTERLAND 44026
* HONOSHOFSKY, G		RT. 4 940 W. CAPEL RD.	GRAFTON 44044
* HONOSHOFSKY, MJ		8904 W RIDGE RD	ELYRIA 44035
* HONOSHOFSKY, MW & DE	MI-DEE ACRES	40330 WEBSTER RD	LAGRANGE 44050
* HOUSE, WB		11415 WASHINGTON-WATERLOO RD.	WASHINGTON COURTHOUSE 43160
* HOWARD JR, H & A	TRIPLE H RABBIT RANCH	RT 1 4152 BALE RD SW	GRANVILLE 43023

OHIO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HUFF, RL		RT 2 PARROT LANE	GREENFIELD 45123
* KING, B&C	KING'S WHEEL RABBITRY	8085 CAMP RD RT 5	MT VERNON 43050
* KNIGHT, HS		RT 9 BOX 39	CHILLICOTHE 45601
* KRAUSE, PR	AQUA PET SHOP	1945 JACKSON RD	COLUMBUS 43223
* LAKE, A		4024 COLBY AVENUE	COLUMBUS 43227
* LANIER, GL & ST		RT 2 BOX 500 DEBBY DR	GALLIPOLIS 45631
* LAURENS, C		110 W XENIA AVE BOX 101	CEDARVILLE 45314
* LOUDERBACK, RW		645 BIRCH RD	XENIA 45385
* LOVELAND PET PRODUCTS INC		MONTGOMERY RD	LOVELAND 45140
* MAGBEE, GM	PET LAND	1905 WASLTINGTEN ST	CINCINATTI 45215
* MAPLE, L & M		2282 CARDSTON DR	COLUMBUS 43227
* MILLIKEN, G & N	POCKET'S PET SHOP	1420 S. OHIO AVE.	WELLSTON 45692
* MODEN, R&M		RR 1 BOX 167	WAUSEON 43567
* MOGUL CORPORATION			CHAGRIN FALLS 44022
* MORGAN, JL & NJ		10374 LOND RD	OSTRANDER 43061
* NATURE WORLD INC.		3985 RACE RD	CINCINNATI 45211
* NUGENT, J	MILFORD AQUARIUM	927C STATE RT. 28	MILFORD 45150
* PETLAND INC		195 N. HICKORY ST.	CHILLICOTHE 45601
* PHILLIPS, W & S		4131 OLD SPRINGFIELD RD	LONDON 43140
* PINKERTON, R&L	THE GREAT SEAL RABBITRY	RT 4 BOX 36	CHILLICOTHE 45601
* PLUMMER, HF	PLUMMERS RABBIT RANCH	RT 4 BOX 648	PEEBLES 45660
* POHLMAN, JM		9530 STITT RD	WHITEHOUSE 43571
* RAVENNA AQUATICS INC		135 E MAIN ST	RAVENNA 44266
* RERER, MK	PET EMPORIUM	4932 BRINTHAVEN	SYLVANIA 43560
* RETSDORFF, B&B		2370 CENTER RD RT 83	AVON 44011
* RODY, R		RT. 1 BOX 278	SPENCER 44275
* ROLING, RR	THE RABBIT FACTORY	5147 SPENCER RD	SPENCER 44275
* RUEVE, F & C	DRIFTWOOD PET SHOP	3880 N DIXIE DR	DAYTON 45414
* RUTHERFORD, LC	RUTHERFORD'S RABBITRY	816 OHIO AV	ELMORE 43416
* SAINT LUKE'S HOSPITAL		11311 SHAKER BLVD	CLEVELAND 44104
* SANDER'S TROPICS INC		14012 W.S. BONDARY ST	PERRYSBURG 43551
* SCHULTZ, BJ		2974 KENNEDY RD	MEDINA 42256
* SEES, RL	TANKS-A-LOT PET STORE	1467 ASTER AVE	AKRON 44301
* SHEETS, D	DON SHEETS RABBITRY	C/O W NEFF BOX 412 RT 5	CHILLICOTHE 45690
* SHULTZ, E&M		1725 ANGLEWOOD DRIVE	MANSFIELD 44903
* SKOMRA, RA		30019 MILDRED ST	WILLOWICK 44094
* SMEBY, P & R	CRAWLYKINS KENNELS	36801 RIVIERA RIDGE RD	WILLOUGHBY 44094
* SOMMER, DL	PETLAND PROMENADE STORE	1186 W KEMPER RD	CINCINNATI 45240
* SQUIRES, MW		PO BOX #4	CHESTERVILLE 43317
* STADTLANDER, GJ		2951 FROST RD	MANTUA 44255
* STERRETT, AW	LABORATORY ANIMALS	2224 SAVOY AVE	AKRON 44305
* STINEHELFER, M	MIKE'S RABBITRY MIKE'S PET SHOP	426 UNION AVE	BUCYRUS 44820
* STUTZMAN, LE		BOX 41	MT HOPE 44660
* SWEETWATER FARM INC		PO BOX 293	HILLSBORO 45133
* TROUT, S	TROUT'S PETS	5119 RANSON RD	SANDUSKY 44870
* VILLALOVOS, J		RD 2 BOX 113	FAYETTE 43521
* WALERI, R & P		36415 LAW ROAD	GRAFTON 44044
* WENTE, J	BERT'S TROPICAL FISH	3232 GALLIA ST	NEW BOSTON 45662
* WHITLOCK, E		R 2	STRYKER 43557
* WICKHAM, M & D	PETS UNLIMITED		
* WILDS, N	GREEN VALLEY RABBITRY	BOx 435	KILLBUCK 44637
* WILLOUGHBY, R & J	WILLOUGHBY RABBITRY	3604 ST RTE 72	SABINA 45169

OHIO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* WILSON, CJ	CHRIS'S RABBITRY	7521 STAFFORD RD.SW	GREENFIELD 45123
* WITCHEY, SR.,JE		6670 NEWTON FALLS RD	RAVENNA 44266
* WOLFREY, JR., AD & JL	OHIO'S FERRET FACTORY	6483 OLD 3C RD	WESTERVILLE 43081
* WRIGHT STATE UNIVERSITY			DAYTON 45435
* YOCUM, CR		1487 WOODVILLE PK	LOVELAND 45140
* ZIMMERLY, L		2527 MESSNER E	WOOSTER 44691

OKLAHOMA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABBOT, DR		RT 1 BOX 332	DUNRIGHT 74030
* ABLES, G & J	JODY'S POODLE PARLOR	BOX 504	LINDSAY 73052
* ALEXANDER, C	ALEXANDER KENNELS	RT 2 BOX 88	WYNNEWOOD 73098
* ALLEN, J		RT 4	VINITA 74301
* ALLOWAY, DC	HIGHLAND KENNEL	RT. 1 BOX E-65	TISHOMINGO 73460
* ALLRED, BG		RR 1 BOX 139A	PRYOR 74361
* ANDERSON, J		2907 D ST NW	MIAMI 74354
* BAILEY, T & J	HIDDEN VALLEY KENNELS	RT 2 BOX 108F	HULBERT 74441
* BALL, H & C	POR BOIZ KENNEL	6130 N UNION	PONCA CITY 74601
* BARBEE, B	BARBEE'S KENNEL	RT 2 BOX 109	SILOAM SPRINGS 72761
* BARNETT, CF	PINETREE KENNELS	RT 5 PLEASANT VIEW	PONCA CITY 74601
* BELLOWS, JL		RR L BOX 104	FARGO 73840
* BENSON, J		RT 1	RALSTON 74650
* BERNET, D		515 N SEMINOLE	CLAREMORE 74104
* BLACK, TF		BOX 159	BEAVER 73932
* BOX, C		RT 3 BOX 20	HENNESSEY 73742
* BRANNON, J		ROUTE 4 BOX HE 30	FT SMITH 72901
* BRANTLEY, J		RT 1	SALINA 74365
* BROWN, AM			SARDIS 74564
* BROWN, J		RT 1, BOX 117	TAHLEQUAH 74464
* BRUTON, B		RT 2 BOX 147	BEGGS 74421
* BUCHANAN, J	J & J KENNELS	316 N MAIN	MEDFORD 73759
* BULLOCK, N	BULLOCK'S HILLTOP KENNEL	RT 3 BOX 246C	BRISTOW 74010
* BURGESS, RJ		RT 1 BOX 313	CLAREMORE 74017
* BURGESS, W	WAYNE BURGESS KENNEL	RT 1 BOX 134	BOKCHITO 74726
* BURRIS, ON		RT 1 BOX 317	CLAREMORE 74017
* BUTLER, G		RT. 1 BOX 428	QUAPAW 74363
* CALLICOAT, K		RT 5	ATOKA 74525
* CALLISON, R		RR 5 BOX 120	PRYOR 74361
* CAMPBELL, JR, JO	CAMPBELL'S KENNELS	RT 2 BOX 52	SPIRO 74959
* CARTER, MJ		RT 7 BOX 346	CLAREMORE 74017
* CHAPMAN, EK		RT 2 BOX 88	PONCA CITY 74601
* COLLINS, CE	RED HILL KENNEL	PO BOX 551	ELK CITY 73644
* CONNER, J & R	BEFLINE KENNELS	RT 1 BOX 140	OKMULGEE 74447
* COULTER, F,K & M	COULTER'S KENNEL	RT 1 BOX 70D	OOLAGAH 74053
* COX, V	K-9 KENNEL	RT 2	MEEKER 74855
* COYLE, A	ANDY COYLE KENNEL	317 W CECIL	WAYNOKA 73860
* CROWE, R		R4 BOX 109	OKMULGEE 74447
* CURL, C&R	3-C KENNELS	R 1 BOX 220	VINITA 74301
* DALLAS, D&C		330 H N.E.	MIAMI 74354
* DANIELS, R		RT. 4	ATOKA 74525
* DAVIS, ML&H		2112 W MAPLE	COLLINSVILLE 74021
* DAVIS, S		RT 1 BOX 21	BEAVER 73932
* DEBUSE, W & S	MARSHIRE KENNELS	RT. 1 BOX 273	TISHOMINGO 73460
* DECHANT, A	DECHANT'S LUV-A PET	R2	GROVE 74344
* DEFOOR, NP & GN		RT 4	ATOKA 74525
* DESAUTELL, MR	LADY'S CIRCLE D	STAR RT 2	PRYOR 74361
* DICKINSON, RL	LITTLE HICKORY KENNEL	316 P ST NE	ARDMORE 73401
* DIXON, C		R 1 BOX 239	MIAMI 74354
* DOC'S DOGS		430 S MORROW	DRUMRIGHT 74030
* DRY, MRS C	DRY'S POODLE SHOP	221 LAKE MURRAY DRIVE	ARDMORE 73401
* DRYDEN B & RYAN B	SKYLINE ACRES KENNELS	RT 5 BOX 803	GUTHRIE 73044
* DUBOIS, H		BOX 5	SALINA 74365

OKLAHOMA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* DUBOIS, R		STAR RT 2	SPAVINAW 74366
* DUGAN, N & R		RT 2 BOX 208	PONCA CITY 74601
* ELSBERRY, T	STONY ACRES KENNELS	RT. 1 BOX 4	CHOUTEAU 74337
* ENGLISH, F		RT. 1	STILWELL 74960
* FORES, AA	FORES KENNELS	RT 1 BOX 255	BRISTOW 74010
* FUSTON, C	CHARLES FUSTON KENNEL	RT. 1 BOX 89A	ANTLERS 74523
* GAHAGAN, KC		RT 1 BOX 127	DRUMRIGHT 74030
* GILES, FE		RT. 3 BOX 55	CUSHING 74023
* GLENN, E & JE	GLENNS KENNELS	1216 6TH ST	ALVA 73717
* GOODNOW, WS		201 SO. SPENCER BOX 523	HINTON 73047
* GRAY, M		RT 1	MCALESTER 74501
* GRAY, RL		RR 1 BOX 50	KREMLIN 73753
* GRAYBILL, FJ		RT 1 BOX 21	CAMERON 74932
* GRIFFITH, JH	CIRCLE G KENNELS	RT 2 BOX 66	PRYOR 74361
* GRIGSBY, ML	MARYS KENNELS	512 A ST SW	MIAMI 74354
* GRISSOM, NV		823 E 60TH PLACE NORTH	TULSA 74126
* GUTHRIE, K	GUTHRIE'S KENNELS	BOX 445	PRYOR 74361
* HALL, DL & ME	TR-MAR	RT 3 BOX 369	COLLINSVILLE 74021
* HANOVER, V		213 EAST 56	TULSA 74105
* HANSCHE, BR	HANSCHE KENNELS	RR1 BOX 219AA	RAMONA 74061
* HARDING, J		RT 3 BOX 237N	SEMINOLE 74868
* HARPER, S		RT 1	INDIANOLA 74442
* HARRIS, G		RT 1 BOX 591	COOKSON 74427
* HARRIS, L		911 S DEWEY	WAGONER 74467
* HATCHER, N	NINA'S PUPPY RANCH	BOX 95	FINLEY 74543
* HAWTHORNE, E & M	HAWTHORNE'S CASTLE FARM KENNEL S	RT 1 BOX 117	RED OAK 74563
* HAZELBAKER, B		RT 1 BOX 65	CAMARGO 73835
* HEREFORD M & HEATHERLY F		R 2	NOWATA 74048
* HESS, CL	NOW-SAH KENNELS	RR 1 BOX 1289	OWASSO 74055
* HILL, J & D		RT. 3 BOX 109A	GUTHRIE 73044
* HOLMAN, B	ROCKY-COR KENNELS	RT 1	ROCKY 73661
* HOPKINS, CW		RT 1 BOX 704	COPAN 74022
* HORROX, EC	COVENTRY FORGE KENNELS	RD 2	INOLA 74036
* HORTON, M		R1 BOX 64	BOKCHITO 74726
* HOWELL, L		RT. 2	CORDELL 73632
* HOWELL, TL		917 MAPLE	ALVA 73717
* HUNT, L		RT 1 BOX 100A	DEWEY 74029
* IRWIN, LS		1120 W. WOOD	SHAWNEE 74801
* JAMES, J		RT. 1 BOX 118	WELCH 74369
* JENSON, N&C		356 E. ZULKEY	SALLISAW 74955
* JOHNSON, O		RT 2 BOX 94	OKMULGEE 74447
* JONES, EJ	TRIPLE J KENNEL	BOX 194	EVANSVILLE 72729
* JONES, RL	COTTONWOOD KENNEL	423 N BROAD	GUTHRIE 73044
* KASPAREK, GM	KASPAREK'S KENNELS	RR 1	BURLINGTON 73722
* KEESEE, J	K' KENNEL	809E IRIS	HOBART 73651
* KENNEY, PV		RT 3 BOX 45	HOOKER 73945
* KIDDY, LA		2116 SALLIE	MUSKOGEE 74401
* KNOTT, J & G	LAZY K KENNEL	ROUTE 2, BOX 342	LOCUST GROVE 74352
* KRUG		BOX 592	HOOKER 73945
* LANGSTON, B	BABE'S KENNEL	RT. 1 BOX 272A	SALINA 74365
* LANGSTON, S		STAR RT E PO BOX 339	LOCUST GROVE 74352
* LAWSON, DE	SONNY'S DODLES OF POODLES	214 WEST STONEWALL	MCALESTER 74501

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* LAYTON, M	KI MAR LAY		TALIHINA 74571
* LEE, LM		RT 3 BOX 117	OKMULGEE 74447
* LINK, H W	AQUARIUM INTERIORS	5619 N WESTERN	OKLAHOMA CITY 73118
* LITTLEPAGE, R&K	LITTLEPAGE KENNEL	RR 1 BOX 18	SOUTH COFFEYVILLE 74072
* LYND, IB	LYND ENTERPRISES	STAR ROUTE A BOX 55C	SKIATOOK 74070
* MCANULTY, CJ		BOX 267	LEHIGH 74556
* MCCOY, AL	ANNIE DOG PATCH	RT 1 BOX 179A	DRUMRIGHT 74030
* MCCOY, PG & N	NOVEL KENNELS	R 2 BOX 197	WESTVILLE 74965
* MCGEE, J		RR 1	TALALA 74080
* MCLENDON, LA	MCLENDON KENNELS	RT 1 BOX 254	BRISTOW 74010
* MEREDITH, M		RT 1 BOX 154	PRYOR 74361
* MERIT, G		RR 4 BOX 114	MIAMI 74354
* MERRITT, N		403 WEST BRULE	BUFFALO 73834
* MILLER, D		1207 WEST KIAMICHI	HUGO 74743
* MOODY, D	MOODY'S BERRYHILL KENNEL	RT 1	DRUMRIGHT 74030
* MOORE, OJ	KE-SON KENNELS	802 WEST BROADWAY	HENRYETTA 74437
* MOORE, W		1005 N. OKLAHOMA	GUYMON 73942
* NEIL, M		BOX 253	WELCH 74369
* NEILL, L&A	CLEAR CREEK KENNELS	RT 1 BOX 148	WELCH 74369
* NORTON, L&H	NORTON KENNELS	ROUTE 1	LANE 74555
* NULL, GV		PO BOX 368	OILTON 74052
* ODOM, M	HIL_SIDE HOBBIES	P O BOX 116	HITCHITA 74438
* OLIVER, J		3602 SOUTH 106E AVE	TULSA 74145
* PARHAM, L		RT 1	CANEY 74533
* PARISH, JC		BOX 116	TISHOMINGO 73460
* PARKER, DS & DG	DOUBLE D KENNELS	300 N KANSAS AVE	CHEROKEE 73128
* PARKER, R		RT 2	ATOKA 74525
* PEARCE, N		BOX 383	CANEY 74533
* PENNER, A		110 SHARON DR.	TECUMSEH 74873
* PETERSON, DW		RT. 2	TUTTLE 73089
* PEVEHOUSE, G		BOX 504	WARNER 74469
* PIERCE, C&L	CAR_OU KENNELS	RT 3 BOX 334	COLLINSVILLE 74021
* PLAIN, V	RED CARPET KENNEL	RR E	BEAVER 73932
* RAHM, MA	WINDY POINT	2330 SO WASHINGTON BLVD	BARTLESVILLE 74003
* RANCHO VALLEY, INC		RT 3 BOX 74	TECUMSEH 74873
* READY, F		HOTEL FRANKLIN BOX 220	MANGUM 73554
* REESE, MA	REESE'S KENNEL	RT 1 BOX 30	WATTS 74964
* RICHARDS, P		RT. 1 BOX 110	HUGO 74743
* RICHMOND, W&A		1520 N 68E AVE	TULSA 74115
* RILEY, JW		RR 2	WAKITA 73771
* ROBERTS, MRS. R. E.		RT. 1	SHIDLER 74652
* ROBERTS, S&S	PEK-A-BOO KENNELS	RT 2 BOX 7	EUFAULA 74432
* ROSS, CE	ROSS KENNEL	GENERAL DELIVERY	EVANSVILLE 72725
* SARTIN, RD	TSARIN KENNEL	RT 1 BOX 73	SEDAN 67361
* SCHMIDT, F, P & S		RT 2 BOX 178	LOCUST GROVE 74352
* SCHROEDER, P		RT 1 BOX 256	PERKINS 74059
* SCISM, M		RT 2 BOX 100A	OKMULGEE 74447
* SHEPHERD, B		RT 2 BOX 70	GAGE 73843
* SIMPSON, M		STAR ROUTE SOUTH BOX 114D	LOCUST GROVE 74352
* SLAPE, P		RT 1 BOX 8	BRAGGS 74423
* SMITH, J	WESTERN HEIGHTS KENNELS	BOX 1252	GUYMON 73942
* SPRINKLES, L		RT 2 BOX 376	BIXBY 74008
* STEWART, B	STEWART KENNEL	PO BOX 161	PRAGUE 74864

OKLAHOMA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* STUEMKY, RS		420 WEST 5TH	NEWKIRK 74647
* TAYLOR, S & J		RT 5 BOX 185	GUTHRIE 73044
* THOMAS, H & A		RT 3	EUFAULA 74432
* THOMAS, HM	CALAMITY KENNELS	BOX 614	HOOKER 73945
* THOMAS, S		BOX 53	WELCH 74369
* THOMASON, A&V	GREEN COUNTRY KENNELS	RT 1 BOX 206	SALLISAW 74955
* THOMPSON, HA		RT 3 BOX 570	BROKEN ARROW 74012
* THOMPSON, L		R 2 BOX 155	CARNEGIE 73015
* THOMSEN, L	CINDER GLO SHELTIES	RT 2 BOX 121	STILWELL 74960
* TIMMONS, K		RT 3 BOX 92	MCALESTER 74501
* TUCKER, L	TIDBITS OF THE TIBET KENNEL	RT 2	ELKHART 67950
* VIAN, EJ			MUSE 74949
* WALKER, ED		304 S.E. 2ND	MARIETTA 73448
* WEBSTER, EM		BOX 564	BARNSDALL 74002
* WEFKS, FF		RT 1	WESTVILLE 74965
* WEINS-MAIN, B		327 EAST 9	CHELSEA 74016
* WHEELER, J&L		RT 2	EUFAULA 74432
* WICKHAM, W		RR 1 BOX 138	BANQUETE 78339
* WILKERSON, LK		RT 2	TECUMSEH 74873
* WILLIAMS, C	CLARA'S KENNELS	RR 1	FREEDOM 73842
* WILMOTH, L & GELVIN, K		RT 1 BOX 397	FAIRLAND 74343
* WILSON, KA		RT 6 BOX 216	PONCA CITY 74601
* WINEINGER, EB		1600 TOWN & COUNTRY DR	SAND SPRINGS 74063
* WOODSON, B		827 N NORFOLK	TULSA 74106

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ADNEY, RR		PO BOX 340	HUBBARD 97032
* ALAMO ENTERPRISES, INC	OLD MAC DONALDS FARM	RT L BOX 298	SHERIDAN 97378
* ALLEY CAT PET CENTER, INC		13980 S.W. T.V. HWY 3	BEAVERTON 97005
* ANDERSON, G		89469 FIR BUTTE RD	EUGENE 97402
* APLET, F		39141 GOLDEN VALLEY DR	LEBANON 97355
* BATLEY, JL & PK		4716 HWY. 238	JACKSONVILLE 97530
* BARROWCLIFF, ER		RT 1 BOX 527	HUBBARD 97032
* BOYD, RA & AE	BOYDS PET SHOP	5540 E BURNSIDE ST	PORTLAND 97215
* BOYER, RN		6331 VENTURA LANE	CENTRAL POINT 97502
* BROWNE, R	BEAU COEUR KENNEL	1695 QUEENS BR. RD.	ROGUE RIVER 97537
* BURKE, WM & RM	BURKESHIRE GLEN KENNELS	1796 SEQUOIA CIRCLE	MEDFORD 97501
* CLARK, A&P	UMPQUA KENNELS	STAR RT BOX 120A	UMPQUA 97486
* CONNER, BA	MEE JAE KENNELS	2480 KINCAID RD	WILLIAMS 97544
* CONRAD, C	CHEREE IN WONDERLAND	9981 TAYLOR RD	MCKENZIE BRIDGE 97401
* CONRAD, M	MARCOE KENNEL	3386 BELLINGER LANE	MEDFORD 97501
* CRAWFORD, PA		ROUTE 1 BOX 126	SHERIDAN 97378
* CRIST, LE		2150-16TH ST.	BAKER 97814
* CURTIS, JE		3381 SCENIC AVE	CENTRAL POINT 97502
* DAN'S TROPICAL FISH, INC	DAN'S TROPICAL FISH	1115 N LOCUST	CANBY 97013
* DERRICKSON, WC	DERRICKSON'S FERRETS	351 N 10 BOX 956	PHILOMUTH 97370
* DOMESTIC TOY LEPARDS OF O REGON, INC.		1110 SW WALLULA DR	GRESHAM 97030
* DOWNHILL, JR., O		BOX 859	CANYONVILLE 97417
* DURRELL, RM	CHERRY HILL KENNEL	RT 2 BX 38	PHILOMATH 97370
* EDWARDS, ME		PO BOX 355	O'BRIEN 97534
* FARRELL, LA	THURSTON KENNELS	8179 THURSTON RD	SPRINGFIELD 97477
* FLAHERTY, S	MISANS KENNEL	380 PORTLAND AVE	GRANTS PASS 97526
* GARRETT, MRS. D.		2116 HERBERT ST.	KLAMATH FALLS 97601
* GODFREY, HH	POLLYWOG PETS	85290 HWY 101S	FLORENCE 97439
* GREGORY, L&D	BOK KAI KENNELS	RT 2 BOX 555	COOS BAY 97420
* GROSKOPF, R	EASTPORT PLAZA PET SHOP	4012 A SE 82ND	PORTLAND 97266
* HANSEN, C	HANSENS KENNEL	RT 4 BOX 909	ROSEBURG 97470
* HERTEL, V & C	VANHER RABBITRY	RT. 2 BOX 238-H	FOREST GROVE 97116
* HICKEY, JW		RT. 1 BOX 250J	ALBANY 97321
* HOWLETT, GJ	ROXIE-ROGUE KENNEL	3835 CRATER LAKE HWY	MEDFORD 97501
* JOHNSON, BL	SCALES & TALES AQUATIC IMPORTS	9265 SW CARRIAGE WAY	BEAVERTON 97005
* JOHNSTON, BJ		PO BOX 108	CORNELIUS 97113
* JONES, BD	PET PLACE	14075 101 SO.	TILLAMOOK 97141
* JONES, ML & JA	JJ'S AQUARIUM AND PETS	8435 SE FLAVEL	PORTLAND 97266
* KILMER, R&V	DOUBLE V KENNEL	4988 DELANEY RD SE	SALEM 97302
* KING NEPTUNE, INC		4500 WOODSTOCK SE	PORTLAND 97206
* KING NEPTUNE, INC.		4500 SE WOODSTOCK	PORTLAND 97206
* KIRKPATRICK, MC	LE-PEUPLE'S TOY POODLES	268 CRESTVIEW LOOP	GRANTS PASS 97526
* KLEINSASSER, E		8139 SE HARTCLIFFE CT	MILWAUKEE 97222
* KOLB, C	FIR TREE RABBITRY	25126 SW GAGE RD.	WILSONVILLE 97070
* KRAMER, D	PUR-FECT CAT HAVEN	2312 S PACIFIC HWY	TALENT 97540
* LACKEY, C	RON DEL KENNELS	5358 SO PACIFIC HWY	MEDFORD 97501
* LAMBERT, M	MARY LAMBERT KENNEL	470 CALIFORNIA AVE	GRANTS PASS 97526
* LARSON, JL	JAN'S RABBITS	4976 VALLEY VIEW RD. SE	TURNER 97392
* LYMAN, P&F		2286 PINEGROVE RD	ROGUE RIVER 97537
* MARTIN, FE		920 TOLMAN CREEK RD	ASHLAND 97520
* MCDONALD, D	TRIPLE TALISMAN KENNEL	1001 BARLYNN	MEDFORD 97501
* MESSINGER, FD	WEEPING BIRCH KENNEL	PO BOX 191	TALENT 97540

OREGON
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MILES, FM	FAZ-FD KENNEL	BOX 701	COOS BAY 97420
* MILHOAN, ML	ROGUELAND KENNEL	1272 GIBBON RD	CENTRAL POINT 97502
* MILLER, PA		2525 NW CORNELIUS PASS RD	HILLSBORO 97123
* MINEAR, DG	TIBETIAN SHIH TZU	5400 FOOTS CREEK RD.	GOLD HILL 97525
* MOFFAT, K	K.L.M. HAMSTER ENTERPRISE	RT 3 BOX 295-A	SHERWOOD 97140
* MOL ENTERPRISES, INC		PO BOX 25348	PORTLAND 97225
* MONARCH SEED & FEED CO.	BIG Y GARDEN CENTER	5TH & APPLE	MEDFORD 97501
* NELSON, DJ	EIREANN KENNEL	TOKETEE RT. BOX 67A	IDLEYLD PARK 97447
* PACIFIC AQUARIUM SUPPLY		4836 SE DIVISION	PORTLAND 97206
* PACKARD, J	VALLEY HIGH RABBITRY & PET SUPPLY	35534 EDE RD.	SCIO 97374
* PELTIER, TL	PELTTER'S FERRET ENTERPRISES	197 BOX 370 13TH ST.	LAKESIDE 97449
* PINNEY, R	PINNEYS KENNEL	6702 WESTSIDE ROAD	CAVE JUNCTION 97523
* RAMSEY, BI	APPLE ACRE RABBITRY	41045 MCKENZIE HWY	SPRINGFIELD 97477
* RANDLES, MRS. Z.		118 S. HILLTOP RD.	TALENT 97540
* RINEAR, R&M		1820 ROBINSON RD	GRANTS PASS 97526
* ROBERTS S & PIAZZA K	HIGH OAKS KENNEL	RT. 3 BOX 3961	ROSEBURG 97470
* RUSSELL, J	HITE-A-WAY-KENNELS	RT 1 BOX 12	RIDDLE 97469
* RUSSELL, W & E	RUSSELL'S KENNELS	576 MAVERICK ST.	CENTRAL POINT 97502
* SCROGGINS, S	EVANS VALLEY KENNELS	2042 PLEASANT CR DR	ROGUE RIVER 97537
* SHERWOOD, CL	SHERWOOD KENNELS	8421 CAROLINA DRIVE	CENTRAL POINT 97502
* SHERWOOD, SM	THE FELINES DEN	1265 PIPER LANE	EUGENE 97401
* SILVA, M & F		12411 S.E. STEELE ST	PORTLAND 97236
* SMART, J&E	SMART'S KENNEL	PO BOX 91	KENO 97627
* SMID, H & F		89472 DEMMING RD	ELMIRA 97437
* SMITH, G&L	PET 'N' POND	14405 SW PACIFIC HWY	TIGARD 97223
* SMITH, WD JR	SMITH KENNELS	39943 ALMEN DR	LEBANON 97355
* SPIVEY, MA&L	MT RUEBEN KENNELS	BOX 112 MT. REUBEN RD	GLENDALE 97442
* ST. ARNOLD, S	SAINT'S KENNELS	3961 COREY RD	CENTRAL POINT 97502
* STANIFORTH, S & D	ALPEN HAUS KENNELS	202 E. HILLTOP RD.	TALENT 97540
* STEWART, JM	PEKING DRAGON RANCH	5715 BEAGLE RD	CENTRAL POINT 97502
* STOUT, FM	SUNDRIFT RANCH	RT 1 BOX 2	ALSEA 97324
* SULLIVAN, C&N	SULLIVAN ACRES POODLE KENNELS	7901 WASHBURN WAY	KLAMATH FALLS 97601
* THOMAS, PJ	NICKLE MT. KENNEL	PO BOX 422	RIDDLE 97469
* TIRY, I		6319 MCLAUGHLIN DR.	CENTRAL POINT 97502
* TROTTER, CM		MORGAN PLAZA BLDG #450	PORTLAND 97205
* WALKER, NL		RT 5 BOX 410	COOS BAY 97420
* WALL, R & M	FOXEY FERN	3592 SO. PACIFIC HWY	MEDFORD 97501
* WARD, MH		PO BOX 149	GOLD HILL 97525
* WHITESIDE, JL	HAMSTER FACTORY	RFD 2 BOX 448-M	MOLALLA 97038
* WIGLE, W		PO BOX 199	LAKESIDE 97449
* WILLIAMS, J	LAUREL ACRES KENNEL	9680 BLACKWELL RD	CENTRAL POINT 97501
* WILSON, RD	WILLOGLEN KENNEL	34060 ADLER LANE	CRESWELL 97426

PENNSYLVANIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ACE ANIMALS INC		RD 1 P.O. BOX 122	BOYERTOWN 19512
* ALLGYER, S&R		RD 1 BOX 329	GAP 17527
* AREFORD, CL & LOHR, DA	L & A RABBITRY	227 S MARKET ST	CARMICHAELS 15320
* BELL, JR	BELL'S PET SUPPLY	RD 6 BOX 6172	MERCER 16137
* BENDER, S&A		STAR ROUTE	SPRINGS 15562
* BIO-MEDICAL ASSOCIATES, INC		PO BOX 46	FRIEDENSBURG 17933
* BRENNEMAN, S		RD 1 BOX 304	SALISBURY 15558
* BUCKSHIRE CORPORATION		2025 RIDGE RD	PERKASIE 18944
* CANNON, GE	CANNON FARMS	PO BOX 3627	READING 19606
* CUTRELL, O		R 1 BOX 254A	SCOTTDALE 15683
* DEPTA, MA		SCOTTDALE 15683	SCOTTSDALE 15683
* DONEY, S&A	STEPHANIE'S RABBITRY	RD 1 BOX 83	SMITHTON 15479
* DUTCHLAND LAB ANIMALS, INC		RD 2 BOX 139-A	DENVER 17517
* EDMONDS, I	SOUTH HILLS PETLAND	3310 SAW MILL RUN BLVD	PGH 15227
* EILER, HH		441 E NEW CASTLE ST	ZELIENOPLE 16063
* ESPOSITO, S	QUAKER FARM KENNELS	RD 1 BOX 137A	QUAKERTOWN 18951
* FABER, U		RD 3	HONEY BROOK 19344
* FEDERATED MEDICAL RESOURCES		RD 2 BOX 74	HONEY BROOK 19344
* FERGUSON, RW	FERGUSON'S RESEARCH SUPPLY	RD 4	DOYLESTOWN 18901
* FISHER SCIENTIFIC CO.		711 FORBES AVE	PITTSBURGH 15219
* FOEKS, AR & CR	LOWER BURRELL 1506A	209 MILLERS LANE	
* FREE, B		1339 RICHLAND PIKE R#4	QUAKERTOWN 18951
* FRYE, H			HOLBROOK 15341
* GINGRICH, H	GINGRICH ANIMAL SUPPLY	RD 1 BOX 435	FREDERICKSBURG 17026
* GNAGEY, NH		RD 1	MEYERSDALE 15552
* GREGORY, B & RUPERT, B	TIMBERLEA KENNELS	RD 1 WILLOW CREEK RD	WRIGHTSVILLE 17368
* GRUMBEIN, B		10 E PINE ST	EPHRATA 17522
* HAIDUK, B & SCHOBER, F	EASTON ANIMAL DISTRIBUTOR	54 W MAIN ST.	MOUNTVILLE 17554
* HAYCOCK KENNELS INC		RD 4	QUAKERTOWN 18951
* HILLTOP LAB ANIMALS INC		RD 1 PO BOX 195	SCOTTDALE 15683
* HIX, EK		RD 1 BOX 143A	HAMBURG 19526
* HOCKENBERRY, C	PERRY VALLEY KENNEL		BLAIN 17006
* HOFFER, W		RD 2	LIGONIER 15658
* HUTTON, RB		RT 1	ST THOMAS 17252
* KEATON, SA		RD 1 BOX 178	MASONTOWN 15461
* KINSINGER, DS		RD 1 BOX 48	MEYERSDALE 15552
* KINSINGER, HR		ROUTE 1 BOX 226-A	MEYERSDALE 15552
* KINSINGER, I & A		R 1 BOX 235	MEYERSDALE 15552
* KNEPPER, RS		605 W. LISBORN RD.	MECHANICSBURG 17055
* KNOPSNIDER, B & D	KNOPSNIDER'S KENNEL	STAR ROUTE	WHITE 15490
* KRESSLY, A & C		BOX 8	LYNNPORT 18061
* LAPP,JR,JK		BOX 428 RD1	NEW HOLLAND 17557
* LONG, GW		RT 2 BOX 180A	ZIONSVILLE 18092
* LOWREY,JC	DALMATIAN RESEARCH FOUNDATION	720 WOODBERRY RD	YORK 17403
* MADRIGAL, R&D		RD 2 BOX 32	SCHUYLKILL HAVEN 17972
* MCCANN, G		RD 2 BOX 221	LEESPORT 19533
* MCCARTHY, JE & CO	MCCARTHY'S COMMERCIAL RABBITRY	RD 3 BOX 448	CONNEAUT LAKE 16316
* MCCHESNEY, WH	FIRE HILL FARM		WIDNOON 16261
* MEADOWCROFT, J		P O BOX 139	CLAYSVILLE 15323
* MILLER, PG	MILLERS ANIMAL FARM	RD 1 BOX 71	MILL RUN 15464

PENNSYLVANIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MISTRETTA, S & E	TWIN MOUNTAIN RABBIT FARM	RR 1 BOX 1028	PALMERTON 18071
* MURPHY, O		RD 1 BOX 248C	VANDERBILT 15486
* NOLT'S PONDS INC		3708-12 QUARRY RD	SILVER SPRING 17575
* PEACHEY, EI		BOX 292 RD 2	HUNTINGDON 16652
* PENNABECKER, W		538 S 4TH ST	DENVER 17517
* PERFECTION BREEDERS, INC		PO BOX 75	DOUGLASSVILLE 19518
* PRICE, DF	FISH DIMENSIONS	358C WHITESTOWN RD	BUTLER 16001
* RACHELWOOD WILDLIFE RESEARCH PRESERVE		RD 1	NEW FLORENCE 15944
* REICHERT, CF		RD 4	BOYERTOWN 19512
* RESEARCH ANIMALS INC		P.O. BOX 501	BRADDOCK 15104
* RITENOUR, LV		457 REDMORE RD	SO CONNELLSVILLE 15425
* ROCKLAND FARMS, INC.		ENGLESVILLE RD	ENGLESVILLE 19525
* ROTZ, BK		RD 2	SHIPPENSBURG 17257
* SACKS, L	SACK'S FARM	RD 3	EVANS CITY 16033
* SADLER, JR, SG	PUPPY LOVE KENNELS	6034 NASSAU RD	PHILADELPHIA 19151
* SCHILL, GV		3923 NEW TEXAS RD	PITTSBURGH 15239
* SCHWENK, HJ		307 W RELIANCE RD	SOUDERTON 18964
* SHOWVAKER,GR&ML	BUNNYVILLE FARM	RD 2 BOX 404	LITTLESTOWN 17340
* SMITH, GJ & FERGUSON, R	REDMINSTER RABBITRY	PO BOX 48 BROAD ST	BEDMINSTER 18910
* SMITHKLINE CORP		PO BOX 7929	PHILADELPHIA 19101
* SOMMERS,E		STAR ROUTE BOX 40	SPRINGS 15562
* STOLTZFUS, SM		RD 1	NARVON 17555
* SULA, RJ & KNEPP, A	BORS WORLD OF PETS	907 PRESQUE ISLE DR	PITTSBURGH 15239
* THREE SPRINGS KENNEL CO INC		RD2	ZELIENOPLE 16063
* TODD, H		RD 4 BOX 331	BELLE VERNON 15012
* TRINKA, GL	SCIENTIFIC BREEDERS	228 GREEN ST	SELLERSVILLE 18960
* UNRUH, RH	SKIPPACK FARMS		SKIPPACK 19474
* VON NIEDA, A	VON ECHO CATTERY & KENNELS	937 MADISON AVE	READING 19601
* WALNEY, VW & F	VAL & FRAN'S BUNNY FARM	RD 1 BOX 233A	KENNERDELL 16374
* WEAVER, CZ	SCHOENECK LABS.	RD #2	EPHRATA 17522
* WHALEN, T		BOX 415 RD 1	BARNESVILLE 18214
* WHITE EAGLE LABS INC.		2015 LOWER STATE RD	DOYLESTOWN 18901
* WILBURN, RL		133 MINE ROAD	QUAKERTOWN 18951
* WILLIAMS, WH		310 WALLACE RD BOX 15 RD #4	WEXFORD 15090
* WOLF LAND INT.		STATE ROUTE 434	SHOLOLA 19458
* WRIGHT, B&C	WRIGHT'S PLOTT KENNEL	RD 3 BOX 261	DOVER 17315
* YODER, HL		RD 1 BOX 114	GRANTSVILLE 21536
* YODER, J		421 WOODLAWN AVE	MEYERSDALE 15552
* YODER, KP		RD 1 BOX 110	MEYERSDALE 15552
* YODER, M&C		RD 1 BOX 104	GRANTSVILLE 21536
* ZARTMAN, MU	ZARTMANS FARMS	3 TOLL GATE RD	DOUGLASSVILLE 19518
* ZARTMAN, MU	GILBERTSVILLE SALES STABLES		GILBERTSVILLE 19525
* ZOOK, A		R 1 BOX 249	MEYERSDALE 15552
* ZOOK, F		R 1 BOX 249	MEYERSDALE 15552

RHODE ISLAND
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* A.N.K. ENTERPRISES INC		RFD 1 SKUNK HILL RD	HOPE VALLEY 02832
* BURKE, JL	SHANGRI LA KENNELS	BOX 7103	JOHNSTON 02919
* DOCKTOR'S PET CENTER, INC		104 MIDLAND MALL	WARWICK 02800
* HANCOCK, CA		554 LAKE RD	TIVERTON 02878
* NIGHTINGALE, JR., WE	PINE ACRES RABBITRY	POLE #31 SHELDON RD	WEST GLOCESTER 02814
* NIGHTINGALE, WE&PE	GLOCESTER RABBITRY	RFD 2 MT. HYGEAI RD.	CHEPACHET 02814
* PETLAND, INC.		1465 ATWOOD AVE	JOHNSON 02919
* PETS UNLIMITED, INC		347 HAWKINS AVE	PROVIDENCE 02904
* RUMFORD AQUARIUM, INC		22 FIRST STREET	EAST PROVIDENCE 02914

SOUTH CAROLINA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALEXANDER, WT	A&A PET & SUPPLY DISTRIBUTOR	715 CHIPLEY AVE	GREENWOOD 29646
* CAROLINA TROPICAL FISH & PET		R D 2 BOX 613	ORANGEBURG 29115
* COOK, LJ & H	COOK'S RABBITRY	RT 2 BOX 235	BARNWELL 29812
* DANN, JR AL		1500 OLD TOWNE ROAD	CHARLESTON 29407
* DEAN, FW	TRAVELERS REST PET & SUPPLIES	33 HENDERSON DR	TRAVELERS REST 29690
* EAGLESON, EM		E. 730 FLAT ST.	ALLENDALE 28910
* GRAHAM, P & F	G & B PET FARM	7232 LAKE MARION CIRCLE	COLUMBIA 79204
* HAYES, NW		ROUTE 1	PELION 29123
* MCGEE, G	SUMMITT PET FARM	RT #6	LEESVILLE 29070
* MEEKS, JW	M & M PET FARM & ZOO	ROUTE 1	WELLFORD 29385
* TERRY, A	ALLEN TERRY'S WILDLIFE PETS	P O BOX 2001	SOUTH GREENWOOD 29646
* THOMPSON, MD		ROUTE TWO BOX 161	GROVER 28073
* VINCENT, FM	VINCENT'S RABBITRY	RT 1 BOX 460	BONNEAU 29431
* ZAWACKI, J & GIBSON, H	RED OAK FARM RABBITRY	BOX 528	BARNWELL 29812

SOUTH DAKOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BORNS, G		RR 1	DELL RAPIDS 57022
* CARMODY, S		RR 5	MILLER 57362
* DECKERT, RJ			MARION 57043
* DITHMER, LM	PASS CREEK KENNELS		WANBLEE 57577
* DOERING, R & S	PONDEROSA KENNELS	RR 3	MITCHELL 57301
* FINKBEINER, LL		RR 2 BOX 94	ROSCOE 57471
* FISCHER, C	DAKOTA KENNELS	RR 1	OLIVET 57052
* FISCHER, D	WAPPEN KENNEL		MT VERNON 57363
* FOREMAN, S&D	ROADSIDE KENNEL		ORIENT 57467
* HAMMRICH, C&S	DOGPATCH	PO BOX 611	IPSWICH 57451
* KAUL, MR&KM	KATHYS KLIP KORRAL	1125 KENNEL DR.	RAPID CITY 57701
* KIPPES, F	SODAKI KENNELS	ROUTE 1	MARION 57043
* KLEIN, R			STICKNEY 57375
* KOENIG, W	LAURA KOENIG PUG KENNEL	RR 2	CARTER 57526
* LAUBACH, D&P	ROYAL LINE KENNELS	RR 3 BOX 83	ABERDEEN 57401
* LESLIE, EJ		RT 3 BOX 2	LENNOX 57039
* NIKOLAS, JL	JEANINE'S GROOMING	3412 W MAIN ST	RAPID CITY 57701
* OVERHEG, M			NEW HOLLAND 57364
* PEKAREK, JM			HIGHMORE 57345
* POWER, R		259 WISCONSIN NW	HURON 57350
* RIEGER, LW	KREATURE KINGDOM	RR 4 BOX 505	RAPID CITY 57701
* SCHOENWALD, GM			SALEM 57058
* SKLUZAK, D & CHILDREN			KIMBALL 57355
* SLOUKA, NJ		BOX 133	DALLAS 57529
* SPAANS, D		RR 1	STICKNEY 57375
* SURRELL, A		RT 3, BOX 68	VIBORG 57070
* THOMPSON, LG	THOMPSONS KENNELS	RR1	WINFRED 57076
* TIAHRT, H	HULDAH'S CAVIARY	RT 2 BOX 177	BRIDGEWATER 57319
* TRAVNICEK, R&B	MEADOW BROOK KENNELS	RT 4 BOX 42	DALLAS 57529
* WAGNER, RL	WAGNER'S KENNELS	ROUTE 5	WATERTOWN 57201
* WEDE, MRS. K.		RR 1	FLANDREAU 57028
* YORK, P&SCHNEIDER, D	P & D KENNEL	321 6TH AVE SW	WATERTOWN 57201

TENNESSEE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* GRAVES, C	CLAY GRAVES RABBITRY	RT. 3 BARKER RD.	CORRYTON 37721
* HANCOCK, KG	BIG BELL RANCH-SPRING CREEK RANCH	PO BOX 12222-2555 POPLAR AVE.	MEMPHIS 38112
* HARGROVE, WL	U.S. RESEARCH FARM	151 CUNNINGHAM	MILAN 38358
* HILL, K & VENABLE, WF	MISTY HILL KENNEL	4703 PLEASANT RIDGE RD	MILLINGTON 38053
* JOHNSON, C		ROUTE 10	SPARTA 38583
* LANGLEY, D		RT 5	BROWNSVILLE 38012
* LINZEY, PS	ANIMAL SPECIALISTS	PO BOX 7161	NASHVILLE 37211
* MARK WHOLESALE BIOLOGICAL CO.		RT. 2 BOX 232	GLEASON 38229
* MCDANIEL, DJ	KEN-DORA KENNELS	RT. 2 BOX 440	BRIGHTON 38011
* SHADOW, D		RT 1	WINCHESTER 37398
* SHANKLIN, MRS. JH	HILLTOP RABBIT RANCH	MOORESVILLE PIKE RT 6 BOX 688	COLUMBIA 38401
* SNYDER, TL	JONES PET SHOP	1812 21ST AVE S	NASHVILLE 37212
* SOUTHERN BIOLOGICAL SUPPLY CO		P O BOX 68	MCKENZIE 38201

TEXAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALDRIDGE, D	EL CHICO KENNELS	RT 4	COMANCHE 76442
* ANDERSON, JT & C	ANDERSON PET & REPAIR SHOP	300 N AUSTIN ST	SEGUIN 78155
* ANDIS, B&V	HIP-O-RANCH KENNELS	RT 1	CLARENDON 79226
* ANSLEY, MG		RT 1 BOX 86A	BUNA 77612
* ARMSTRONG, HA		219 WILLIAMS DR	KLEBERG 75145
* AYCOCK, JR, PJ & LA	AYCOCK'S KENNELS	RT 1 BOX 436	LONGVIEW 75602
* BANDY LABORATORIES INC		2114 S 1ST ST	TEMPLE 76501
* BARGER, ML		RT 1 BOX 171E	DENISON 75020
* BARNES, SL		11915 D ST NAS	CORPUS CHRISTI 78419
* BARNETT, B	BARNETT'S KENNEL	807 PECAN ST	GRAHAM 76046
* BAYLOR COLLEGE OF MEDICIN E		1200 MOURSUND AVENUE	HOUSTON 77030
* BAYNE, DW	BIG TREE ACRE ZOO FARM	1711 CONNORVALE RD	HOUSTON 77039
* BELL, JL	HORN-B GAME RANCH	1800 CHRISTINE ST	PAMPA 79065
* BENGE, RA	THE SMALL ANIMAL FARM	RT 1 BOX 627-B	CONROE 77302
* BETHYL LABS, INC.		PO BOX 821	MONTGOMERY 77356
* BLOM, A	AL BLOM RABBITRY	7903 STEBBINS DRIVE	SAN ANTONIO 78240
* BOONE, RR	NEPTUNE PET CENTER	2936 PALMER	TEXAS CITY 77590
* BRACEY, RL		R3	MABANK 75147
* BRANDVIK, J	JJ'S KENNEL	STAR RT. BOX 553	GRUVER 79040
* BROWN, T	L&R PET CENTER & SUPPLIES	9917 SUNNYWOOD	HOUSTON 77038
* BURCH, W & TURNEY, W		8404 S. GESSNER	HOUSTON 77036
* BUSBY, D		RT 11,BOX 160	TYLER 75709
* BYRD, KA&AC	WHISPERING PINES KENNELS	RT. 1 BOX 112A	CALL 75933
* CALLEN, E	O.C. KENNEL	BOX 717	LEVELLAND 79336
* CAREY, J & K	CAREY'S RABBITRY	BOX 67	ROPESVILLE 79388
* CARTER, HJ	IRENE'S HOBBY FARM	RT. 1 BOX 74	DUBLIN 76446
* CASH, JR, HC		2667 THANNISCH AVE	FT WORTH 76105
* CHANG, E		PO BOX 20731	HOUSTON 77025
* CITY OF LUBBOCK		PO BOX 2000	LUBBOCK 79457
* CLARK, CJ	BRUSHY CREEK RABBITRY AND CAVI ARY	202 WILLIS AVENUE	YOAKUM 77995
* CLEMENS, B		6824 ALMA STREET	FT WORTH 76119
* CUNNINGHAM, D		STAR RT 1-A BOX 376	DRIPPING SPRINGS 78620
* DANIEL, JF		RT 1 BOX 306	JOSHUA 76058
* DAVIS, LT		2500 W MORTON ST	DENISON 75020
* DAVISSON, E & E	E & E & SONS RABBITRY	RT 6 BOX 147	WEATHERFORD 76086
* DAWSON, G		PO BOX 181	CALDWELL 77836
* DICKINSON, J		BOX 918	CANADIAN 79014
* DODD, D&J	THE PET CENTER	6710 CAMP BOWIE	FT WORTH 76116
* DONALDSON, B&M	THISTLEWOOD KENNEL	P.O. BOX 725	FABENS 79838
* DRIVER, GE	AMAZON PET SHOP	7144 CENTER HWY	NACOGDOCHES 75961
* DRYDEN, CG	LA MOCA MONKEY RANCH	PO BOX 1968	LAREDO 78040
* EARLS, M	E & R ENTERPRISES	1711 SINGLETON AVE	AUSTIN 78758
* EDWARDS, S		RT 2 BOX 71	PAMPA 79065
* ELLIOTT, H	PINE FOREST KENNEL	4125 LAKEVIEW CUTOFF	VIDOR 77662
* EPPLER, EW	EPPLER RABBITRY	PO BOX 999	NAVASOTA 77868
* EVRIDGE, J	JOE EVRIDGE ANIMALS	RT 3 BOX 206	COMANCHE 76442
* FERRARO, FF	DFW PET RANCH	2507 DOVE LOOP RD	GRAPEVINE 76051
* GENTRY, WE	GENTRY'S GDN CTR & PET SHOP	PO BOX 2629	LAREDO 78041
* GEORGE, CW & ROBERTSON, R C	G&R STOCK FARM	2305 B CAVITT AVE	BRYAN 77801
* GIGLIOTTI M & BERLIN G	EXOTIC WATERHOLE	8911 EMNORA LANE	HOUSTON 77080

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* GLASCO L & BROWN J	PINE BEE KENNELS	RT. 1 BOX 68	HAWKINS 75765
* GOLTRA, J		RT 1	NEW BOSTON 75570
* GREEN, RM		PO BOX 31	BANGS 76823
* GRESHAM, K	GRESHAM KENNEL	402 CACTUS	LEVELLAND 79336
* H & L SALES COMPANY	PATIO RANCH	PO BOX 21100	SAN ANTONIO 78221
* HANDL, CJ	K-9 KENNEL & HORSE CARE CENTER	RT 11,BOX 156A	LUBBOCK 79407
* HARRIS, DM		3511 FT WORTH HWY	WEATHERFORD 76086
* HEBERT, JR., H	BRENACO	625 SEMINAR DR #235	HOUSTON 77060
* HENSON, RN		RR 1 BOX 2278	BELTON 76513
* HOLMAN, RA& HENDERSON, GL	PET SHOP & BIRD CLINIC	3118 SMITH	HOUSTON 77006
* HORTON, R	CHARLOTTE'S PET SHOP	10645 FERGUSON RD.	DALLAS 75228
* HOWELL, MRS. DORIS	PETLAND	2636 34TH ST	LUBBOCK 79410
* HUDDLESTON, R&N		1034 19TH NW	PARIS 75460
* HUTCHINS, P&B	CAVY COUNTRY CAVIARY	RT 5 BOX 65	DENTON 76201
* JACKSON, C&J	THE PET SHACK	5412 NORDLING	HOUSTON 77076
* JENNINGS, W		3725 CHENAULT	FORT WORTH 76111
* JONES, FG	DOUBLE J RABBITRY	RT 1	LOCKNEY 79241
* KEETON, DG	K&K KENNELS	RT 2 BOX 169	LUBBOCK 79415
* KINNEY, H	KINNEY'S KENNELS	RT 4	HICO 76457
* KIRBY, AH	KIRBY K-9 KENNEL	120 N ELM	PERRYTON 79070
* LAMKIN, M	LAMKIN WILDLIFE COMPANY	PO BOX 5843	AMARILLO 79107
* LANGSTON, B	BARE'S KENNEL	RT 1 BOX 272A	SALINA 74365
* LARABELL, J		RT 5, BOX 1166	BURLESON 76028
* LEE, M		RT 2 BOX 51A	NEW BOSTON 75570
* LINDENTHAL, IB	THUNDERBIRD KENNELS	7229 BARKER ROAD	EL PASO 79915
* LINDSEY, E		RT 5 BOX 328H	GREENVILLE 75401
* LOCKE, OM		PO BOX 731	NEW BRAUNFELS 78130
* LYLE, M & C	WILSON RANCH KENNEL	3707 22ND ST	LUBBOCK 79410
* MARCUM, HW		3219 EDNA	FORT WORTH 76117
* MARKHAM, JL	HIGH PLAINS LAB. ANIMALS	BOX 7	CANYON 79015
* MCLEMORE, D	MCLEMORE ENTERPRISES	RT 2	KEMP 75143
* MECOM, JW	MECOM RANCH WORLD	PO BOX 2566	HOUSTON 77001
* MEYER, R & M	DBA THE LITTLE PET CORNER	313 W. MAIN ST.	TOMBALL 77375
* MILFORD, BD	STRAWBERRY PET SHOP	2007 STRAWBERRY	PASADENA 77502
* MINTON, R	MINTON RABBITRY	RT 1 BOX 170A	IOLA 77861
* MITCHELL, L		RT 6 BOX 549A	TEXARKANA 75501
* MOORMAN, LJ	BRADY CREEK RANCH	2002 N B C BUILDING	SAN ANTONIO 78205
* MORGAN, F&R		PO BOX 63	CARROLLTON 75006
* MORRIS, RA		RT. 1 BOX 401	POWDERLY 75473
* MURRAY, B		6612 MIDWAY RD	HOLTON CITY 76117
* NEWSOM, HR	NEWSOM'S VARMINTS THINGS	5220 AIRLINE	HOUSTON 77022
* NICHOLS, C	C N KENNIE	103 ELM ST	BONHAM 75418
* NICHOLS, R	RAY NICHOLS RABBITRY	RT 4 BOX 511	LUMBERTON 77656
* NOVOTNY, I		RT 1 BOX 242A	PARIS 75460
* OWENS, J & T		RT. 3 BOX 410	SAN ANGELO 76901
* PAPOI, RJ		RT 3 BOX 175A 2	DENISON 75020
* PENA, T	BIG SKY KENNELS	5315 AMARILLO BLVD E	AMARILLO 79109
* PENN, P	PENN ACRES RANCH	RT 1 BOX 326C	WIMBERLY 78676
* PENNY, C		RT 1 BOX 78	GATESVILLE 76528
* PETSICK, J		BOX 634	COMANCHE 76442
* PHILLIPS, D	PHILLIPS CANINE CAVE	BOX 493	LEVELLAND 79336
* PIRKEY, DW		RT 2 BOX 311	DE KALB 75559
* PRINCE, L		PO BOX 654	FABENS 79838

TEXAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* PURCELL, JP		RT 2 BOX 95H	WINNSBORO 57494
* RANA LABORATORIES		P O BOX 3103	BROWNSVILLE 78520
* REEVES, HG		110 RAMADA TRAIL	AMARILLO 79108
* RHOTEN, RT	REX-EM-KENNELS	10 N KOOPMAN	PHILLIPS 79071
* ROBINSON, J		817 HIGH SCHOOL DR	SEAGOVILLE 75159
* RUNYAN, M		RT 1	BLOSSOM 75416
* SAENZ, FF	VALLEY RESEARCH SUPPLIERS	906 WEST MAHL ST	EDINBURG 78539
* SALMON, B & M	COTTONWOOD KENNELS	BRICE ROUTE	CLARENDON 79226
* SCHREINER III, C	Y O RANCH	YO RANCH	MT HOME 78058
* SHANDE, KE	KANINE KOIFFARES	5555 NO LAMAR E119	AUSTIN 78751
* SILGUERO, JR., A		PO BOX 25 MCANGUS RD.	AUSTIN 78617
* SKAGGS, RG	SAFARI FARM	RT 7 BOX 510R	SAN ANTONIO 78221
* SLOVAK, R	RICH GLO LAB ANIMALS	RT 2 BOX 161A	EL CAMPO 77437
* SMITH, CR	SUNNY ACRES RABBITRY	RT 9 BOX 110-3	TYLER 76706
* SMITH,T	VERDF VALLEY RANCH	P O BOX 7398	HOUSTON 77008
* SMOKE RISE FARM, INC.		RT 2 BOX 26A2	AZLE 76020
* SOUTHWEST RESEARCH ANIMAL S		P.O. BOX 10485	FT WORTH 76114
* STANLEY, MD	STANLEY CRITTERS	RT 1 BOX 403A	BROWNWOOD 76801
* STEVENS, L&D	ODD SHOP	123 N FRAZIER ST	CONROE 77301
* STEWART, GF	STEWARTS KENNELS	RT 3 BOX 176	COMANCHE 76442
* STILLMEADOW, INC		3223 LA COSTA DRIVE	MISSOURI CITY 77459
* STOWER, MG	BAMBOO PET SHOP	5607 W LOVERS LANE	DALLAS 75209
* SW FOUND. FOR RES. & EDUC		P O BOX 28147	SAN ANTONIO 78284
* TINER, JC		8271 CLEARSPRINGS	DALLAS 75240
* TROOP, E	TROOPS PET SHOP	BOX 51	BRUNI 78344
* VIVO ANIMALES, INC		P O BOX 230	LORENA 76655
* WALKER G & SCHOO J	G & J FARMS	ROUTE 2	JONESBORO 76538
* WALKER, ER		1302 W 18TH ST	AMARILLO 79102
* WARDEN, M	COLONY PET SHOP	3719C COLONY DR	SAN ANTONIO 78230
* WARE, JA		PO BOX 418	BANQUETTE 78339
* WATERS, D		BOX 131	MOUNTAIN HOME 78058
* WATERS, M	TRIPLE M KENNEL	STAR RT. BOX 78	LORENZO 79343
* WEBB, KE	B&W TROPICAL FISH & SUPPLY CEN TER	3520 25TH ST	PORT ARTHUR 77640
* WELLS, M & D	WELLS RABBITRY	RT. 1 BOX 118B	NORTH ZULCH 77871
* WEST, BG & G	B & G KENNEL	RT 4	HEREFORD 79045
* WHEELER, FWB	CAMP COOLEY RANCH	RT 3	FRANKLIN 77856
* WHITMAN'S, INC		PO DRAWER 1712	BROWNSVILLE 78520
* WIGGIN, F		3124 ODESSA	FT WORTH 76109
* WILEY, CR		RT. 1 BOX 86	WILLS POINT 75169
* WILLIAMS, RG & SEIBEL, DR	R & D KENNELS	114 DALLAM AVE	DUMAS 79029
* WRIGHT, F & H	LONE STAR RABBITRY	RT 2 BOX 59-E	MATHIS 78368
* WRIGHT, HL		BOX 253	FARNSWORTH 79033

UTAH
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLISON, CL & F	ALLISON KENNELS	3802 W 9000 SO	WEST JORDAN 84084
* CHOULES, EA	LAB ANIMAL PRODUCTS	1095 S MCCLELLAND ST	SALT LAKE CITY,84105
* HILL, GF	S KIMO KENNELS	235 EAST 13800 SO	DRAPER 84020
* IMLAY, TF	ANIMALS FOR RESEARCH	4996 S REDWOOD RD	MURRAY 84107
* WHITE, GS	THE RABBIT TREE	PO BOX 452	PEOA 84061

VERMONT
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* GUILD, HL		RFD 2 BOX 189B	W BRATTLEBORO 05301
* JONES, T&A		EAST HUBBERTON RD	CASTLETON 05735
* LAMPHERE, L	PEACEFUL ACRES RABBITRY	RFD1	LOWELL 05847
* MAYHEW, HR		98 PARK ST	RUTLAND 05701
* PARADIS, R		RFD 1	ENOSBURG FALLS 05450
* PLUMMER, JH & KM	PLUMMERS RABBITRY		GRAFTON 05146
* REYNOLDS, D		RD 1	CAMBRIDGE 05444
* SMALL, S	HILLTOP RABBITRY	RFD 1	RANDOLPH CENTER 05061
* SPAULDING, CA		62 SCHOOL ST.	BELLOWS FALLS 05101
* SUDOL T		RD 2	ENOSBURG 05450
* WESTON, FA	CIRCLE W RABRITRY	RT. 15	UNDERHILL 05489
* WINTERS, MB			WILLIAMSTOWN 05679
* WRIGHT, CD	LOTTA HILL'S KENNEL	RFD 4	ENOSBURG FALLS 05450

VIRGINIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ATWOOD, EE	DON'S RABBITRY	RT 1 BOX 109A	ALDIE 22001
* BEAN, R & W	MID-ATLANTIC PET DISTRIBUTORS	6520 COLUMBIA PIKE	FALLS CHURCH 22041
* BRAY, CR		2940 LAURELBROOK DR	RICHMOND 23224
* CLEAN AIR FARMS		RT 2 BOX 278	WARRENTON 22186
* COLLIER, W&K	K-D-C RABBITRY	1602-B MONTICELLO RD	CHARLOTTESVILLE 22901
* CORELL, JC	OLD DOMINION CAVY FARM	RT 1 BOX 213	WAYNESBORO 22980
* CRUTCHFIELD, LW	GREEN SHADOWS CATTERY	RFD 1 BOX 80K	PALMYRA 22963
* DAVIS-DECK, W	ROANOKE PET CENTER AND AQUARIUM	PO DRAWER 12645	ROANOKE 24027
* EDWARDS, SJ		4401 GREENDELL RD	ORLANDO 32856
* ENVIRONMENTAL CONSULTANTS INC		1022 W.24TH ST	NORFOLK 23516
* FLOW LABORATORIES INC		7655 OLD SPRINGHOUSE RD	MCLEAN 22102
* HALEY, J	HALEY FARM	RT 2 BOX 81	HURT 24563
* HAZLETON RESEARCH ANIMALS INC		9200 LEESBURG TURNPIKE	VIENNA 22180
* HUTCHISON, CW		3610 DENISON RD	RICHMOND 23231
* LEACH, NE	LEACH KENNELS	RT 3 BOX 70	CHASE CITY 23924
* MOORE, J	MOORES RABBITRY	R 1 BOX 41	MIDLAND 22186
* PAYNE, RW		RT 1 BOX 139	RIXEYVILLE 22737
* RIPLEY, T	TOM RIPLEYS ENTERPRISES	RT. 3 BOX 294	DANVILLE 24541
* ROY, ML	ROY'S RABBITRY	RT 2 BOX 27-B	WARRENTON 22186
* SCHMIDT, E	SPRING VALLEY FARM		HOWARDSVILLE 24562
* STINSON, E&Y	BUNKER HILL RABBITRY	RT 1 BOX 68E	UNIONVILLE 22567
* TURNER, R & S	SUSAN'S DORES	7047 LOCH HAVEN RD. NW	ROANOKE 24019
* TURNER, RW & TURLEY, DG	CLOVERDALE ANIMAL SUPPLY	17401 HULL ST ROAD	MOSELEY 23120
* UNIV OF VA. VIVARIUM		1300 JEFFERSON PARK AVE	CHARLOTTESVILLE 22901
* VIENNA, GG	PINE HILL RABBITRY	RT 2 BOX 697	FREDERICKSBURG 22401
* WALTER, R & DETWILER, P	Z-PET ENTERPRISE	80 S EARLY ST	ALEXANDRIA 22304
* WEBB, LO		RT 1 BOX 2928	RADFORD 24141
* WILMOTH, WE	SNAKES AND THINGS LTD	PO BOX 476	MONETA 24121
* ZAZZARETTI, FB	BEECHWOOD RABBITRY	BOX 54	CLAREMONT 23899

WASHINGTON
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANDERSON, R & R	R & R RABBITRY	20004 24TH N.W.	STANWOOD 98292
* BUTTERFIELD, G	BUTTERFIELD'S TOY KENNELS	2308 COOK HILL RD	CENTRALIA 98531
* CARPENTER, M	HAPPY MOUSE RANCH	R 2 BOX 1354	PORT ANGELES 98362
* CITY OF CLARKSTON	ANIMAL SHELTER	830-5TH ST	CLARKSTON 99403
* CITY OF COLFAX		P O BOX 229	COLFAX 99111
* COLLEGE BIOLOGICAL SUPPLY , INC		21707 BOTHELL WAY	BOTHELL 98011
* COWAN, HD	SHOWLINE BEAGLES	18015 140TH AVENUE SE	RENTON 98055
* CRAVEN, LA		1662 LITTLE HANAFORD RD	CENTRALIA 98531
* DRY, RL & MF	BERLINER ZWINGER KENNELS	RT 3 BOX 74	COLBERT 99005
* DRYKE, CH	SUNNYDELL KENNELS	RT 6 BOX 275	SEQUIM 98382
* GUTSCHER, L&C	OAK HILL KENNELS	RT 7 BOX 502 K	OLYMPIA 98506
* HENNINGS, WM	DBA BIRDS & THINGS	2015 191ST SW	ALDERWOOD MANOR 98036
* HOECK, PR	SCOTTS RABBIT PRODUCTS	5171 S BAYVIEW RD	LANGLEY 98260
* LOTZE, P & J	WINEBURG KENNELS	RT 2 BOX 129	COLVILLE 99114
* MALTSBERGER, R		PO 545	MONROE 98272
* MASON, GH	MASONS NORTHWEST RABBITRY	5112 21ST NE	PUYALLUP 98371
* MOERY, WR		6425 208TH NE	REDMOND 98052
* OUR PEOPLE'S COOP		1525 5TH ST.	CLARKSTON 99403
* SHANNON, GD&PA	LAB ASSOCS.-TOTEM FARMS	13640 132ND NE	KIRKLAND 98033
* STARNS, T & S	COUGAR MT. BREEDING CMPD & SAN C	PO BOX 99542	TACOMA 98499
* TOWN OF COLTON		BOX 147	COLTON 99113
* VEITENHEIMER, C	CA-IT SHEPHERDS	RT 1 BOX 116	COLBERT 99005
* WACENSKE, LR	PINEHILL KENNEL	RT 2 BOX 279	CHATTAROY 99003
* WILCOX, JC		23607 PACIFIC HWY SO	KENT 98031

WEST VIRGINIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* INSELL, W	M&W KENNELS	BOX 16241 RT 2	MILTON 25541
* BERST, HJ	TOWN HILL RABBITRY	BOX 12	THREE CHURCHES 26765
* CUSTER, EJ	CUSTER'S KENNELS	1073 MCCOLLOCH ST	WHEELING 26003
* DEEDS, JR., JM	MAPLE MEADOW KENNEL	BOX 114 BUCK RT	HINTON 25951
* DIXON, JE		315 THOMPSON AVE	OAK HILL 25901
* HILL, EF		5071 GUYAN RIVER ROAD	HUNTINGTON 25702

WISCONSIN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLARD, LJ		917 SCRIBNER ST	SPOONER 54801
* ANDERSON, W		RT 2 BOX 240	RICHLAND CTR 53581
* BOEHM, RA	MOOSE LAKE WILDLIFE SANCTUARY	RT 4 BOX 124	HAYWARD 54843
* BOETTCHER, N	ROCKLODGE STABLE & KENNELS	RT. 1 BOX 18	SEYMOUR 54165
* CZARNECKI, RA	SOUTH MILWAUKEE PET CENTER	2003-10TH AVE.	SOUTH MILWAUKEE 53172
* DAUL, DR		RT 1	LUXEMBURG 54217
* DILLEY, D&N	ND RABBITRY	RT. 1	DANE 53529
* DOUBEK, L		RT 2	TWO RIVER 54241
* DOYLE, L & HAMMOND, V	VAL-LEE KENNEL	RT 1 BOX 3	FOXBORO 54836
* DRAPER, TF	TUCM RABBIT RANCH	RR 2	WAUNAKEE 53597
* DUERKOP, MS		RT 1 BOX 206	IOLA 54945
* ECOLAB INC.		10014 N. 124TH ST.	MEQUON 53092
* ERTEL, G & D	ZAHY DFE ZHEE KENNEL	R1 BOX 146A	HILLPOINT 53937
* FERKEY, AR		R 2 W 2261 TEN MILE AVE	WIS RAPIDS 54494
* FORSTHAUS KENNELS, INC		R 1 BOX 65	MILLADORE 54454
* FRANK, H		BOX 397	LANNON 53046
* GOLI, L		RR 2 BOX 100	IOLA 54945
* HALL, L		RT 1 BOX 2078	DRESSER 54009
* HALVERSON, RD		R 1 BOX 64	DODGEVILLE 53533
* HYDE, D	HYDE RABBITRY	34076 HIDDEN VALLEY DR	DOUSMAN 53118
* KLUBERTANZ, E	KLUBERTANZ'S	1165 HWY 73	EDGERTON 53534
* KNORR, DA	KANANGNARK KENNELS	PO BOX 102	SHEBOYGAN 53081
* KREIF, C	RABBIT HILL	N 5588 HWY 84	FREDONIA 53021
* LAVEAU, D & S		RT 1	SHELL LAKE 54871
* LETBEL, D	BIRCHWOOD FARM	RT 2 BOX 164	GRANTSBURG 54840
* LESSER, C&B	LESSER'S RABBITRY	18403 WASH. AVE	UNION GROVE 53182
* LITTLE, DC	PUPPY LAND KENNELS	BOX 74	OWEN 54460
* LOWE, W		RT 4 BOX 206	BEAVER DAM 53916
* MANECKE, R	RIVERVIEW KENNEL	R 1 BOX 342	RICE LAKE 54868
* MAURICE, R	WHITE STAR LAB AN	R 4 1135 HWY G	BURLINGTON 53105
* MIKULA, I		RT 3	CHETEK 54728
* MILLER, J	HILLSIDE KENNEL	RT 1 BOX 135	DORCHESTER 54425
* MONSON, J		RT. 2	BARRON 54812
* MORROW, DF		35406 SPRING PRAIRE RD.	BURLINGTON 53105
* NASCO INTERNATIONAL, INC		901 JANESVILLE AVE	FORT ATKINSON 53538
* O'BRIEN, M		2257 SYENE RD	MADISON 53711
* OLSON, J	KUTE & KUDDLY KENNELS	PO BOX 484	PORTAGE 53901
* OTIS, CR		RT 2 BOX 164	DEFOREST 53532
* PEUSCHEL, W		13101 N WAUWATOSA RD. 76 W.	MEQUON 53092
* PRELIPP, AW		RFD 1	SEYMOUR 54165
* RIDGLAN FARMS, INC		301 WEST MAIN STREET	MT HOREB 53572
* ROBERTSON, WH&L	PRICE CO I	RT 2 BOX 64	OGEMA 54459
* ROGGE, E	HAPPY ACRES KENNELS	R 2 BOX 418C	WISCONSIN DELLS 53965
* RUEDINGER, J		ROUTE 1 BOX 70	ARPIN 54410
* SANTIAGO, GR	CENTRO AGRICOLA & PET SHOP	AVE SANTA JUANITA AK-16	BAYAMON 00619
* SCHOEBEL, LL	FUR & FEATHER GAME FARM	RT 2	NESHKORO 54960
* SIEVERT, HW		831 W WINNEBAGO ST	APPLETON 54910
* SKAW, E		RT #1	NEW AUBURN
* SMITH, P		RT 1	WITHEE 54498
* SOLIS, E	EL RANCHITO KENNEL	RT 1 BOX 22	HILLPOINT 53937
* STEBANE, E		RT 3	KAUKAUNA 54130
* STRIGGOW, D & E	EDF'S PET & SUPPLY	RT 2	WHITEWATER 53190
* TAMEL, JA	GIANT ELM RABBITRY	STAR RT	LILY 54445

WISCONSIN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* TIEDT, GR		123 WILLOW ST	BEAVER DAM 53916
* WERY, F		RT 4	LUXEMBURG 54217
* ZWICKY, A	A-Z WILDLIFE PARK	9277 CENTER RD.	NEENAH 54956

WYOMING
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* OEDEKOVEN, M		BOX 605	GILLETTE 82716
* SANDERS, N	SANDERS KENNELS	BOX 127	LAGRANGE 82221
* SHERARD, AL		BEAR CREEK ROUTE	LA GRANGE 82221
* TRAWICK, E & OSBORN, L	TRAWICK KENNELS	PO BOX 1060	RIVERTON 82501

PUERTO RICO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANGEL FISH AQUAR & PET SHOP		27TH ST BLOCK S-11 ALTURAS	CASTELLANA GARDENS CAROLINA 630
* ANIBAL CASTRO JUSTINIANO	BALBOA FLOWER & PET SHOP	51 BALBOA ST	MAYAGUEZ 00708
* ANIMALANDIA PET SHOP, INC.		600 NAPOLES ST.	RIO PIEDRAS 00924
* BAYRON, RP	BARRIO BAJURA ALMIRANTE	P O BOX 43	VEGA ALTA 00762
* BORGES, MT	MR AQUARIUM	PO BOX 995	SAN LORENZO 00754
* CASA AGRICOLA ARECIBO, INC.		CERVANTES NO 50	ARECIBO 00612
* COUTIN, R	A & A PET CENTER	201 DE DIEGO ST	RIO PIEDRAS 00925
* DE VICTORIA, DL	TAINO PET SHOP	CERRO PIO C-30	CAROLINA 00630
* GONZALEZ, E	ARECIBO PET SHOP	BOX 433	MANATI 00701
* GONZALEZ, MP	TROPI-FUANA PET CT	627 VILLA NAVARRA	RIO PIEDRAS 00924
* GONZALEZ, SV	NOAH'S ARK	CENTRO COM VENUS GDNS LOC 7	RIO PIEDRAS 00926
* HERNANDEZ, M	MI AQUARIUM TROPICAL	BETANCES ST. #51	CAGUAS 00625
* JOSE UMPIERRE, INC.	LA CASA DEL AGRICULTOR	PLAZA DE MERCADO	RIO PIEDRAS 00926
* LUGO, L & PARET, A	BORINQUEN AQUARIUM	418 SAN CLAUDIS ST.	RIO PIEDRAS 00926
* LUZON SERRF, MA	COUNTRY CLUB PET SHOP	GJ-6 COMPO RICE AVE	CAROLINA 00630
* MCFALINE, C	VIEBAY PET SHOP	85 AVE BETANCES HNAS DAVILA	BAYAMON 00619
* MENDIETA, DC	AQUARIUM LA PIRANA	CALLE DELCASSE 57	CONDADO 00907
* MURPHY, A	SUPERBIRDS PETS	STREET 23 BLOCK N-7	BAYMON 00619
* NIEVES, NA	NENICO'S RABBITRY & SUPPLY	BO. SANTANA 101-A	ARECIBO 00612
* PALACIOS, I & ALLONGO, M	ISLA VERDE PET SHOP	PO BOX 1951 HATO REY STA.	HATO REY 00919
* PEREIRA, P	PONCE PET CENTER	BARGAIN TWN BLDG L #4	PONCE 00731
* PEREZ, MR		PARCELES NAVES	HATO ARECIBO 00612
* PET & TOY FATR CORP		BOX 516	HATO REY 00919
* PONCE, RA	ALERS AQUARIUM	DR. JIMENEZ #99	MAYAGUEZ 00708
* RAMIREZ, R&M	TROPICAL PET SHOP	168 LIBERTAB ST	MAYAGUEZ 00708
* RAMOR, DV		BUZON 730 SECTOR CRN 3 ALEMAN	TRUJILLE ALTO 00760
* REXACH, JR., H & LOPEZ, JR	WORLD FAUNA	BOX 10133 CAPARRA HEIGHTS	RIO PIEDRAS 00922
* REYES, F	BAMBOO AQU. & PET SHOP	AVE. MAGNOLIA L-28	BAYAMON 006119
* RIVERA-COLON, DG	EXOTICO	PINERO AVE #288 HYDE PARK	RIO PIEDRAS 00618
* RIVERA, JM	VILLA CAROLINA AQ & PET SHOP	AVE ROBERTO CLEMENTE	CAROLINA 00630
* RODRIQUEZ, MG		PO BOX 171	ST JUST 00750
* SANCHEZ-COLON, D		BO CALABAZAS BUZON 481-17	YABUCOA 00767
* SANTIAGO, GR	CENTRO AGRICOLA & PET SHOP	AVE SANTA JUANITA AK-16	BAYAMON 00619
* SANTIAGO, JA	CUTE GROOMING SALON & PET CENTER	1712 PARINA ST	RIO PIEDRAS 00926
* SANTURCE PET & HOBBY SHOP INC		PONCE DE LEON 1501 STOP 22	SANTURCE 00909
* SUPER PET CENTER INC		SAN PATRICIO SHOPPING	COVAR 00922
* TROPICAL PET SHOP, INC.		CALLE BORI #1504	RIO PIEDRAS 00926
* VARGAS, RG	MAYAGUEZ AQUARIUM	CALLE 11 DE AGOSTO #31-A	MAYAGUEZ 00708

[FR Doc. 79-9100 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-34-C

federal register

Tuesday,
April 3, 1979

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare

List of Licensed Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Licensed Exhibitors

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are licensed under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 21st day of March 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALABAMA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BOWMAN, N	NOAH'S ARK	PO BOX 521	AUBURN 36830
* CITY OF BIRMINGHAM	BIRMINGHAM ZOO	700 CITY HALL	BIRMINGHAM 35203
* MONTGOMERY ZOO		PO BOX 3313	MONTGOMERY 36109
* UNIV OF NORTH ALABAMA			FLORENCE 35630

ALASKA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CRAIG, C		2905 TANGLEWOOD DR.	ANCHORAGE 99503
* EDEN, P	ALASKA WILD BERRY PRODUCTS	BOX 374	HOMER 99603
* FULBUNCH INC.		529 C ST	ANCHORAGE 99501

ARIZONA
02/15/79

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ARIZONA ZOOLOGICAL SOCIETY	PHOENIX ZOO	PO BOX 5155	PHOENIX 85010
*	ARIZONA-SONORA DESERT MUSEUM		RT 9 BOX 900	TUCSON 85704
*	BACHMAN, JR, H & J		RT 1 BOX 110-K	BUCKEYE 85326
*	BARBER, JD		757 N SYCAMORE	MESA 85201
*	CITY OF TUCSON	GENE REID ZOOLOGICAL PK	900 SO RANDOLPH WAY	TUCSON 85716
*	JACOBSON, M		7630 E FAYETTE	TUCSON 85703
*	WHITMAN, P & D	GRAND CANYON DEER FARM	100 DEER FARM RD.	WILLIAMS 86046
*	WYCKOFF, C & P	TROPIC GARDEN ZOO	6232 N 7TH ST	PHOENIX 85014

ARKANSAS
02/15/79

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BRIDGES, J & E	ARKANSAS ALLIGATOR FARM	847 WHITTINGTON AVE	HOT SPRINGS 71901
*	CITY OF LITTLE ROCK	LITTLE ROCK ZOOLOGICAL GARDENS	#1 JONESBORO ST	LITTLE ROCK 72205
*	DOGPATCH ANIMAL WORLD	DOGPATCH USA		DOGPATCH 72648
*	I.Q. ZOO, INC		4800 ALBERT PIKE	HOT SPRINGS 71901
*	JACOBS, RD			HUNT 72844
*	SPA ATTRACTIONS, INC	ANIMAL WONDERLAND	4800 ALBERT PIKE	HOT SPRINGS 71901
*	TATUM, E	HOLIDAY ISLAND EXOTIC ANIMAL PARK		HOLIDAY ISLAND 72632
*	WILLIAMS, HR	FUNLAND PARK ZOO	ROUTE 3	JONESBORO 72401
*	WILMOTH, RL	WILD WILDERNESS	RT 3 BOX 309	GENTRY 72734

CALIFORNIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLEN'S PET ZOO INC		PO BOX 91	PIXLEY 93256
* ARLEN, D		20395 RIDER	PERRIS 92370
* ATKINSON, JM	APPLELAND	38480 OAK GLEN RD.	YUCAIPA 92399
* BABY ZOO, INC	SAN JOSE BABY ZOO	1300 SENTER RD	SAN JOSE 95112
* BALDWIN, JR	BALDWINS CHARMING CHIMPS	2384 INGELOW CT.	THOUSAND OAKS 91360
* BARTON, WM		14651 CAMINITO ESTE	SAN DIEGO 92129
* BAUMAN, T		660 SAN FERNANDO RD	LOS ANGELES 90065
* BECK, CR		801 EL TORO DR.	BAKERSFIELD 93304
* BERWICK, R		UNIVERSAL STUDIO TOURS	UNIVERSAL CITY 91403
* BIG BEAR VALLEY PARK DIST	MOONRIDGE ZOO	PO BOX 2832	BIG BEAR LAKE 92315
* BIG JA STRONG & SON CIRCU S, INC.		275 OAKWOOD DR.	THOUSAND OAKS 91360
* BLAIR BUNCH INC		7561 WOODMAN PL	VAN NUYS 91405
* BOGETTI, G & A	BOGETTI BROS.	PO BOX 243	VERNALIS 95385
* BOZURICH, E		PO BOX 4374	TORRANCE 90503
* CAMPOLONGO, J	ENCHANTED VILLAGE	2285 W BROADWAY L-206	ANAHEIM 92804
* CHILD'S ESTATE FOUNDATION		PO BOX 4758	SANTA BARBARA 93103
* CIRCUS VARGAS CORP		1308 OLD BAYSHORE HWY 200	BURLINGAME 94010
* CITY OF EUREKA	SEQUOIA PARK ZOO	PO BOX 1018	EUREKA 95501
* CITY OF FOLSOM	FOLSOM CITY ZOO	50 NATOMA STREET	FOLSOM 95630
* CITY OF MERCED	APPLEGATE PARK ZOO	2525 O STREET	MERCED 95340
* CITY OF NATIONAL CITY		1243 NATIONAL AVE	NATIONAL CITY 92050
* CITY OF OAKLAND	OAKLAND ZOO/KNOWLAND PARK	1520 LAKESIDE DR	OAKLAND 94612
* CITY OF ROSEVILLE	ROSEVILLE CITY ZOO	316 VERNON ST	ROSEVILLE 95678
* CITY OF WALNUT CREEK	ALEXANDER LINDSAY JR MUSEUM	L901 FIRST AVE	WALNUT CREEK 94596
* CITY OF WHITTIER	STORYBOOK ZOO	13230 E PENN ST	WHITTIER 90602
* COUNTY OF ORANGE EMA/DFVF L		10852 DOUGLASS RD	ANAHEIM 92806
* COX, M & BACHLUNE, S	THE LION WI AN RENTALS	PO BOX 259	VENTURA 93001
* CUNNINGHAM, R&D	CUNNINGHAMS CHILD PET ZOO	2151-12TH AVE	SAN FRANCISCO 94116
* DI SESSO, M		24233 THE OLD RD	NEWHALL 91321
* DOWNEY, M		PO BOX 221	ACTON 93510
* DRAKE, D		PO BOX 485	TEHACHAPI 93561
* DRAKE, E		P O BOX 485	TEHACHAPI 93561
* DRISCOLL, GJ		16555 LASSEN ST	SEPULVEDA 91343
* EARNEST, FV	CALIFORNIA ALLIGATOR FARM	7631 LA PALMA AV.	BUENA PARK 90620
* EAST BAY ZOOLOGICAL SOCIE TY	OAKLAND BABY ZOO	PO BOX 5238	OAKLAND 94605
* EGAN, LW & BL	SCHOOL JUNGLE SAFARI	PO BOX 502	LAHONDA 94020
* EGEDI, KW		1526 GRAND AVE	FILLMORE 93015
* FAWCETT, B		21719 BARTON RD	COLTON 92324
* FISHER, F		BOX 1170 STAR RT	TEHACHAPI 93561
* FOERDER, LJ		9000 BEACHY AVE	ARLETA 91331
* FRANK INN, INC.		12265 BRANFORD	SUN VALLEY 91352
* FRESNO MUS OF NATURAL HIS T		1944 N WINERY	FRESNO 93703
* FRONTIER VILLAGE		4885 MONTEREY RD	SAN JOSE 95111
* GALLO ZOOLOGICAL GARDENS		P.O. BOX 1230	MODESTO 95353
* GATTI PRODUCTIONS, INC.		PO BOX 611	ORANGE 92666
* GENTLE JUNGLE, INC		PO BOX 223	BUENA PARK 90621
* GROS, P	MARINE WORLD/AFRICA USA	MARINE WORLD PARKWAY	REDWOOD CITY 94065
* HANFORD ELEM SCHOOL DIST	FORT ROOSEVELT	PO BOX G1067	HANFORD 93230
* HANNA-BARBERA MARINELAND		P.O. BOX 937	RANCHO PALOS VERDES 90274

CALIFORNIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HENRY, I&C	HENRY'S CHIMPS	19102 BECHARD AV	CERRITOS 90701
* HOLTER, M&R	HOLTER'S MOVIELAND ANIMALS	10940 RIVERSIDE AV	BLOOMINGTON 92316
* HORNOK, JR		25955 BOOTLEGGER CANYON RD	ACTON 93510
* HORTON, RB		302 17TH STREET	SAN DIEGO 92101
* HORTON, RB&DK		302-17TH ST	SAN DIEGO 92101
* JETT, A	JETT'S PETTING ZOO	11025 CYPRESS	FONTANA 92335
* JOHNSON, G	JOHNSON BROS ELEPHANTS	701 W 9TH ST	CORONA 91720
* JOHNSON, H		20725 NANDINA	PERRIS 92370
* JONES, RW	HOLTER'S RANCH	PO BOX 588	BLOOMINGTON 92316
* KAYE ENTERTAINMENT ENTERP INC		1680 N VINE ST	HOLLYWOOD 90028
* KAYE, PV	ENTERTAINMENT ENTERPRISES & KAYE CONT. CIR	1680 N VINE ST, SUITE 519	HOLLYWOOD 90028
* KNOTT'S BERRY FARM		8039 BEACH BLVD	BUENA PARK 90620
* KRAUTER, C & C	KRAUTER'S NURSERY	2006 KENTUCKY ST	BAKERSFIELD 93305
* KUTCHELL, J		20725 NANDINA	PERRIS 92370
* LEHOCKY, MJ		2200 PORT LERWICK PLACE	NEWPORT BEACH 92660
* LILLE, G & C		2608 READ AVENUE	BELMONT 94002
* LION COUNTRY SAFARI, INC.		8800 IRVINE CENTER DR	LAGUNA HILLS 92653
* LIVING DESERT ASSOCIATION	LIVING DESERT RESERVE	PO BOX 1775	PALM DESERT 92260
* LOS ANGELES COUNTY FAIR ASSOCIATION		BOX 2250	POMONA 91766
* LOS ANGELES ZOO		5333 ZOO DR	LOS ANGELES 90027
* MADONNA, A	MADONNA INN	MADONNA RD & HIGHWAY 101	SAN LUIS OBISPO 93401
* MADRUGA, M		13416 UTOPIA RD.	POWAY 92064
* MAGIC MOUNTAIN		26101 MAGIC MOUNTAIN PWY.	VALENCIA 91355
* MARINE WORLD AFRICA USA	RESORTS INTL. INC	MARINE WORLD PARKWAY	REDWOOD CITY 94065
* MARSHALL, N	LION'S ETC	6867 SOLEDAD CANYON RD	ACTON 93510
* MARTIN, S	STEVE MARTIN'S WORKING WILDLIFE	PO BOX 65	ACTON 93510
* MCDERMOTT, CD	THE COLD NOSE FIVE DOG ACT	4515 HARRISON AVE	REDDING 96001
* MCMILLAN, B		6122 KNOTT AVE	BUENA PARK 90621
* MEREDITH, G	JUNGLE EXOTICS	STAR RT. BOX 98	ORO GRANDE 92368
* MICKE GROVE PARK & ZOO		11793 N MICKE GROVE RD	LODI 95240
* MILHOUS BOYS RANCH		ALLEGHANY ST RT	NEVADA CITY 95959
* MOSLEY, C & G	DEWAYNE BROS CIRCUS	PO BOX 9621	N. HOLLYWOOD 91606
* OXLEY, RL		7433 SOLEDAD CANYON RD	ACTON 93510
* PAT DERBY ENTERPRISES, INC.		PO BOX 212	LOS OLIVOS 93441
* PRENTICE PARK ZOO		1700 E FIRST ST	SANTA ANA 92705
* REYNOLDS, A		5423 E LAUREL	FRESNO 93727
* RIPLEY, DF	KARLYLE	4305 ROSE LN	CONCORD 94581
* RIVERS, R	ANIMAL SPECIALTY ACTS	10940 RIVERSIDE AVE	BLOOMINGTON 92316
* ROBERTSON, CE		1193-4TH ST	NORCO 91760
* ROEDING PARK ZOO		894 W. BELMONT	FRESNO 93728
* SACRAMENTO CITY ZOO		3930 W LAND PARK DR	SACRAMENTO 95822
* SACRAMENTO SCIENCE CENTER & JR. MUSEUM		3615 AUBURN BLVD.	SACRAMENTO 95821
* SAN FRANCISCO ZOOLOGICAL GARDENS		ZOO ROAD & SKYLINE BLVD	SAN FRANCISCO 94132
* SAN LUIS OBISPO COUNTY	CHARLES PADDOCK ZOO	1009 MONTEREY ST	SAN LUIS OBISPO 93408
* SANTA'S VILLAGE INC		P.O. BOX 544	SAN BERNARDINO 92402
* SCHUMACHER, LM	ANIMAL RENTALS	PO BOX 642	BALDWIN PARK 91706

CALIFORNIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SCOBLE, DR AG		2367 MORRILL RD	MODESTO 95355
* SEA WORLD INC		1720 S SHORES DR	SAN DIEGO 92109
* SHAWVER, C		1221 GRANT ST	SANTA MONICA 90405
* SKYFOREST PACE	SANTA'S VILLAGE	PO BOX 638	SKYFOREST 92385
* SMIEYA-BLASZAK, A		PO BOX 1	FILLMORE 93015
* SNYDER, F	YVETTES MINI CIRCUS REVUE	PO BOX 5343	N HOLLYWOOD 91605
* STEEPLES, E		864 CARLISLE RD	THOUSAND OAKS 91359
* SWANSON, JE		8707 PROSPECT AVE	SANTEE 92071
* TOTH, GN	COUGAR HILL RANCH	P.O. BOX 132	LITTLEROCK 93543
* TRANTHAM, C	FOOTHILL GAME FARM	PO BOX 577	OREGON HOUSE 95962
* TREMBLEY, F	MR CHRISTMAS TREE	18362 MOCKINGBIRD CANYON	RIVERSIDE 92627
* TWOMEY, D&J	HAPPYTIME CIRCUS	PO BOX 269	WINDSOR 95492
* UNIVERSAL STUDIOS TOUR		3900 LANKERSHIM BLVD	UNIVERSAL CITY 91608
* WALLER PARK		600 GOODWIN RD	SANTA MARIA 93454
* WARDEN, LE & D		32772 MOCCASIN ST	UNION CITY 94587
* WEBER, N	ROYAL LICHTENSTEIN CIRCUS	PO BOX 26308	SAN JOSE 95159
* WELLS, MG	ANIMAL ACTORS OF HOLLYWOOD	864 CARLISLE RD	THOUSAND OAKS 91359
* WENDELL, C		PO BOX 354	ACTON 93510
* WHITE, D&J		8722 WINTER GDNS BLVD	LAKESIDE 92040
* WHITFIELD, RW & RR		MARINE WORLD PARKWAY	REDWOOD CITY 94065
* WIENER, M		PO BOX 395	ACTON 93510
* WILDS, J&R	WILDS PERFORMING ANIMALS	PO BOX 4102	SANTA CLARA 95054
* WILSON, JA		10437 ESCADERA DR.	LAKESIDE 92040
* WOLF, R&C		13555 E LAKEVIEW RD.	LAKESIDE 92041
* ZANGER JR., MG, JA & EA	CASA DE FRUTA	6680 PACHECO PASS HWY	HOLLISTER 95123
* ZOELLER, J		PO BOX 277	ALPINE 92001
* ZOOLOGICAL SOCIETY OF SAN DIEGO		PO BOX 551	SAN DIEGO 92112

COLORADO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CHEYENNE MOUNTAIN ZOOLOGICAL PARK		BOX 158	COLORADO SPRINGS 80906
* DENVER ZOOL FDN	DENVER ZOOL. GARDENS	DENVER CITY PARK	DENVER 80205
* FOSSCECO, A	GRANEROS CANYON GAS&CURIO SHOP	PO BOX 29	COLORADO CITY 81019

CONNECTICUT
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BOHY, A & SILVESTRO, A		165 PONUS AVENUE	NORWALK 06850
* CHILDREN'S MUSEUM OF HART FORD		950 TROUT BROOK RD	W HARTFORD 06119
* CITY OF BRIDGEPORT	BEARDSLEY ZOOLOGICAL GARDENS	NOBLE AVE	BRIDGEPORT 06610
* CITY OF NEW HAVEN	WEST ROCK NATURE REC. CT	PO BOX 2969	NEW HAVEN 06515
* CITY OF NEW LONDON	H. F. MORAN NATURE CTR & ZOO	MUNICIPAL BLDG	NEW LONDON 06320
* CITY OF NORWICH	MOHEGAN PARK ZOO	CITY HALL ANNEX	NORWICH 06360
* CONNECTICUT PACKING CO.		335 COTTAGE GROVE RD	BLOOMFIELD 06002
* DENISON PEQUOTSEPOS NAT C R		PO BOX 122 PEQUOTSEPOS RD.	MYSTIC 06355
* DEPT OF PARKS & REC	HUBBARD PARK ZOO	460 LIBERTY ST	MERIDEN 06450
* EMERSON, JR., RL	EMERSONS CIRCUS & MENAGRIE EXH S	2545 BERLIN TNPK	NEWINGTON 06111
* GOODWIN, R		BOX 524	ENFIELD 06082
* NATURE CTR FOR ENVTR ACT INC.		10 WOODSIDE LN PO BOX 165	WESTPORT 06880
* NEW BRITAIN YOUTH MUSEUM		30 HIGH ST. PO BOX 111	NEW BRITAIN 06051
* OLD MACDONALD'S FARM, INC		708 CONN AVE	S. NORWALK 06854
* R.W. COMMERFORD & SONS IN C		RT 4	GOSHEN 06756
* SHELDEN, DD & FM		34 PERRY DR.	MONROE 06468
* STAMFORD MUSEUM & NATURE CTR		39 SCOFIELDTOWN RD	STAMFORD 06903
* STEMPIEN, AC	WILLINGTON GAME FARM	OLD FARMS RD	WILLINGTON 06279
* THAMES SCIENCE CENTER		GALLOWS LANE	NEW LONDON 06320
* THE BRUCE MUSEUM		BRUCE PARK	GREENWICH 06830
* WATERMAN, JR., HE	GRAND GAME FARM	193 NORTH GRAND ST	W SUFFIELD 06093

DELAWARE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* NEW CASTLE CO. DEPT. OF P ARKS & REC.	BRANDYWINE ZOO	801 MCKENNANS CHURCH RD	WILMINGTON 19808

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABC LEISURE ATTRACTIONS, INC.		PO BOX 370	SILVER SPRINGS 32688
* ADAMS, E		PO BOX 595	GIBSONTON 33534
* ADAMS, JR., E		P.O. BOX 595	GIBSONTON 33534
* ALEXANDER, R		PO BOX 247	GENEVA 32732
* ALLEN, V	PET & HOBBY DEN	8369 BIRD RD	MIAMI 33155
* ALLIGATOR LAND SAFARI		P.O. BOX 819	KISSIMMEE 32741
* ANTALEK, M		PO BOX 1	GIBSONTON 33534
* ANTHONY, P		P.O. BOX 355	RIVERVIEW 33569
* ANTONUCCI, A		P.O. BOX 554	GIBSONTON 33534
* AQUARAMA WALTZING WATERS		339 RIVERSIDE DR	FORT MYERS 33905
* ARIA, M&J		PO BOX 716	HAINES CITY 33844
* BAUDY, RE	RARE FFLINE BREEDING COMPOUND	PO BOX 132	CENTER HILL 33514
* BENGTSSON, K & LINARES, K		BOX 125 RT 3	SARASOTA 33578
* BEROSINI, R		P.O. BOX 16523	TEMPLE TERRACE 33687
* BEROUSEK, O		2075 BAHIA VISTA	SARASOTA 33579
* BERTFI, M		RR 2 BOX 297P	SARASOTA 33577
* BLANCHARD, C & P		85 ARAPAHO AVE	ST AUGUSTINE 32084
* BOWEN, JC	EVERGLADES GATORLAND	BOX 279	SOUTH BAY 33493
* BROOKS, HW	GATOR JUNGLE	P.O. BOX 209	CHRISTMAS 32709
* CENTRAL FLORIDA ZOOL. SOCIETY	CENTRAL FLORIDA ZOOL. PARK	PO BOX 2078	SANFORD 32771
* CITY OF JACKSONVILLE	JACKSONVILLE ZOOL. PARK	CITY HALL BAY ST.	JACKSONVILLE 32202
* CITY OF TAMPA	LOWRY PARK ZOO	NORTH BLVD & SLIGH AVE	TAMPA 33604
* CLYDE BEATTY-COLE BROS. CIRCUS		PO BOX 1570	WINTER PARK 32790
* CREIGHTON, R	KING KONG ZOO	RT 1 BOX 567Z20	MASARYKTOWN 33512
* CRISTIANI, DR	CONSOLIDATED AMUSEMENT CO	PO BOX 877	RIVERVIEW 33569
* CRISTIANI, L		1024 STOEBER LANE	SARASOTA 33580
* CRISTIANI, O		1747 RIVIERA CIRCLE	SARASOTA 33580
* CRISTIANI, R&I		RT. 1 BOX 29-A	MYAKKA CITY 33551
* DAM, C		P.O. BOX 547	GIBSONTON 33534
* DUBSKY, H	GINA'S ROYAL PALACE LEOPARDS	3110 47TH ST	SARASOTA 33580
* DUBSKY, J	JANOS & COMPANY	4103 BRAZILNUT AV	SARASOTA 33580
* EDWARDS, TR		3256 C-ROAD	LOXAHATCHEE 33470
* ENGESSER, D&R	ENGESSER'S EXOTIC FELINES	RT #2 BOX 500	TRENTON 32693
* ESTEP, J	MONKEY JUNGLE	PO BOX 246	GOULDS 33170
* FEF, HW		BOX 493	GIBSONTON 33534
* FOSSETT, A & I		637 NO CONRAD AV	SARASOTA 33577
* FRANCIS, FA		510 2ND AVE	MELBOURNE 32951
* GAREY, M		6110 MAGREY AVE.	GIBSONTON 33534
* GARVIN, C	FLORIDA REPTILE LAND	RT 16	BOWLING GREEN 42101
* GATOR WORLD/FLAMINGO GAR INC		3782 FLAMINGO RD	DAVIE 33330
* GATORLAND ALLIGATOR FARM		BOX 909	NOKOMIS 33555
* GATORLAND ANIMAL FARM		US 1 NORTH	ST. AUGUSTINE 32084
* GODWIN'S GATORLAND, INC		HWY 441 NORTH	KISSIMMEE 32741
* HANNEFORD CIRCUS, INC.		BOX 52J	OSPREY 33559
* HARDEE COUNTY	HARDEE COUNTY PIONEER PARK	PO DRAWER 1749	WAUCHULA 33873
* HARRIS, S & INOGAUERO, S	PET VILLAGE	3535 BEE RIDGE RD.	SARASOTA 33580
* HARVELL, D & J	OCELOTS PLUS	6719-43RD AVE S	LAKE WORTH 33463
* HERRIOTT, M	HERRIOTT'S PERFORMING ANIMALS	RR3 BOX 94	SARASOTA 33580
* HOMOSASSA SPRINGS INC	NORIN CORP	P.O. BOX 8	HOMOSASSA SPRINGS 32647

FLORIDA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HOOVER, DC	D. HOOVER'S WILD ANIMALS	665 W 38TH ST	HIALEAH 33012
* HORWATH, J		6148 ISABEL AVE PO BOX 1602	GIBSONTON 33534
* HOUSER, F	HOUSER'S GROVES & ZOO	9230 NEW HAVEN AVE	MELBOURNE 32901
* HOXIE BROS CIRCUS		9140 SW 59TH AV	SO MIAMI 33156
* INSTITUTE OF DELPHINID RE S.	FLIPPERS SEA SCHOOL	PO BOX DOLPHIN	MARATHON SHORES 33052
* JOHNS, MT		6625 S.W. 49TH ST	DAVIE 33315
* JOHNSON, RA		BOX 936 9812 MASS AVE	GIBSONTON 33534
* JOYCE, E	WONDERFUL WORLD OF DOGS	BOX 302	GIBSONTON 33534
* JUNGLE LARRY'S SAFARI LAN D, INC	JUNGLE LARRY'S AFRICAN SAFARI	P.O. BOX 7129	NAPLES 33940
* JUNGLE QUEENS INC.	JUNGLE QUEEN VILLAGE	800 E BROWARD BLVD #301	FT. LAUDERDALE 33301
* KING BROS CIRCUS		BOX 1570	WINTER PARK 32790
* KIT CIRCUS OPERATING CO, INC	SELLS & GRAY CIRCUS	PO DRAWER 1570	WINTER PARK 32790
* KRAUSE, J		PO BOX 2512	SARASOTA 33578
* KRISTENSEN, S		PO BOX 725	BRANDON 33511
* KROESEN, MJ		1291 SW 136 AVE.	DAVIE 33325
* LA TORRES, JM		P.O. BOX 1721	GIBSONTON 33534
* LEE, B & B	THE B-LEES	2075 BAHIA VISTA	SARASOTA 33579
* MAGANA, AR		4004 IOLA DR.	SARASOTA 33581
* MARINE EXHIBITION CORPORA TION	MIAMI SEAQUARIUM	4400 RICKENBACKER CAUSEWAY	MIAMI 33149
* MARINELAND, INC		RFD 1, BOX 122	ST. AUGUSTINE 32084
* MASTERPIECE GARDENS, INC		PO BOX 1230	LAKE WALES 33853
* METRO-GOLDWYN-MAYER, INC	MGM'S BOUNTY EXHIBIT	10202 W. WASHINGTON BLVD.	CULVER CITY 90230
* METROPOLITAN DADE COUNTY	CRANDON PARK ZOO	4000 CRANDON BLVD	KEY BISCAYNE 33149
* MICHAEL, DA		2436 CHANTILLY AVE	WINTER PARK 32789
* MONKEY JUNGLE, INC.		PO BOX 246	MIAMI 33170
* MORRIS WG	NATIONAL AMUSEMENT	PO DRAWER 10	EDGEWATER 32032
* NATIONAL SERVICE IND., IN C.	SIX GUN TERRITORY	PO BOX 310	SILVER SPRINGS 32688
* NIED, SR		620 NE 2ND ST	POMPANO BEACH 33060
* NOCK, K	KATINKA'S POODLES	PO BOX 968	SARASOTA 33578
* OCEAN WORLD INC		1701 SE 17TH ST	FT. LAUDERDALE 33316
* PARNELL, G		PO BOX 994	GIBSONTON 33534
* PARROT JUNGLE, INC.		11000 SW 57TH AVE	MIAMI 33156
* PEDLEY, S	HOLIDAY ON ICE	2219 SW 60 CT	MIAMI 33155
* PIPER, L & B	EVERGLADES WONDER GARDENS	PO BOX 292 US 41	BONITA SPRINGS 33923
* POTTER, D		PO BOX 1092	GIBSONTON 33534
* RICE, L		PO BOX 10171	SARASOTA 33578
* RIEGER, P		2750 NW SO RIVER DR.	MIAMI 33125
* RINGLING BROS BM & BLY CO MBINED SHOWS		1015-18TH ST NW	WASHINGTON 20036
* RIVENBARK, J		4300 NW 59 ST.	FT. LAUDERDALE 33319
* ROBERTS, D	ROBERT'S GULF SERVICE	822 N CHARLESTON	FT MEADE 33841
* ROBINSON, RASS	HOLLYWOOD'S BEST DRESSED MONKE YS	BOX 1176	GIBSONTON 33534
* ROSS ALLEN SOUTH INC.	ROSS ALLEN WILD LIFE PARK	2805 N TAMIAMI TRAIL	N. FT. MYERS 33903
* SALISBURY, DL	ROYAL PANTHERS	1519 CAMBRIDGE DR	COCOA 32922
* SANTA FE TEACHING ZOO		3000 NW 83RD ST	GAINESVILLE 32601
* SCHACHT, F & P		PO BOX 1333	BRANDON 33511
* SCHAPPACHER, R	DIAMOND S RODEO & WILD WEST	3515-63 AVE E	BRADENTON 33508

FLORIDA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SCHMITT, R		RT. 2 BOX 218A	BRADENTON 33508
* SCHMITT, R		318 HOWELL PLACE	SARASOTA 33580
* SCHREIBER, B	CAPT SCHREIBER'S CHIMPANZEES	RT. 3 BOX 48-X	ST AUGUSTINE 32084
* SCOTT, J & F		RT 2 BOX 1A	OLD TOWN 32680
* SEA WORLD OF FLORIDA		7007 SEA WORLD DR	ORLANDO 32809
* SEROLT, D	SNAKE-A-TORIUM	PO BOX 9253	PANAMA CITY BCH 32407
* SETDEN, HM & UH	VCM ENTERPRISES	8425 SW 108TH ST	MIAMI 33156
* SEIGLE, A		732 NW 29TH TERRACE	MIAMI 33127
* SINK, R		PO BOX 10171	SARASOTA 33578
* SIPEK, S		3184 C RD	OXAHATCHEE 33470
* SPYKE, HH	SPYKE'S GROVE	7250 GRIFFIN RD	DAVIE 33314
* SQUIRREL'S, INC.		RT 1 BOX 305 US HWY 98	GULF BREEZE 32561
* ST AUGUSTINE ALLIG. FARM INC		PO DRAWER E HWY. A1A	ST AUGUSTINE 32084
* STEBBINS ROYAL EUR. CIRCUS INC		PO BOX 249	SARASOTA 33578
* STEELE, R	BOB STEELE ANIMAL PROMOTIONS	BOX 307	BUSHNELL 33513
* STRAZAN, H & E	ERNA'S CHIMPANZEES	725 N CONRAD AVE	SARASOTA 33577
* STUDIO ANIMAL RENTALS, INC.		70 WEST 64 STREET	HIALEAH 33012
* SUNKEN GARDENS, INC.		1825 4TH ST NO	ST PETERSBURG 33704
* SZYMONSKI, K		2022 DODGE AVE	SARASOTA 33580
* TALLAHASSEE JR MUSEUM		3945 MUSEUM DR	TALLAHASSEE 32304
* THOMAS, HO		PO BOX 281	RIVERVIEW 33569
* TIKI GARDENS INC		19601 GULF BLVD	INDIAN SHORES 33535
* TOOLE, EH	KARCLY FAMILY	PO BOX 126	CHATTAHOOCHEE 32324
* UPTON, SD		5026 BLOUNT AVE	SARASOTA 33580
* VAZQUEZ, R		PO BOX 1602 6148 ISABEL AVE	GIBSONTON 33534
* VIELE, CF	VIELE GROVES	6990 GRIFFIN RD	FORT LAUDERDALE 33314
* VON UHL, J		FT BENGALI HWY 16	ST AUGUSTINE 32084
* WALT DISNEY WORLD CO		P.O. BOX 40, ATTN: LEGAL DEPT	LAKE BUENA VISTA 32830
* WATSON, W		RT 1, BOX 117	TAMPA 33612
* WEED, F		BOX 794	IMMOKALEE 33934
* WEEKI WACHEE SPRINGS INC	A B C LIESURE ATTRACTIONS	PO BOX 97	BROOKSVILLE 33512
* WELDE, J		PO BOX 547	GIBSONTON 33534
* WILLIAMS, IW		PO BOX 2039	DELAND 32720
* WILLIAMS, R&E		RT 1 BOX 556C	MYAKKA CITY 33551
* WILNOW, F & A		861 OAK STREET	FT MYERS BEACH 33931
* WILSHIRE CORPORATION	LION COUNTRY SAFARI INC	PO BOX 16066	W PALM BEACH 33406
* WONDERLAND OF FLORIDA, INC	MARCO POLO PARK	BOX 54 STAR ROUTE	BUNNELL 32010
* WYNN, F		400 E ORANGE AVE	LONGWOOD 32750
* ZERBINI, T		RT 2 BOX 8	SARATOGA 33582
* ZOO. SOC. OF BROWARD CO., INC.	MARKHAM PARK ZOO	16001 W. STATE RD. 84	FORT LAUDERDALE 33326
* ZOOL SOC/PALM BEACHES, INC	DREHER PARK ZOOL. GARDENS	1301 SUMMIT BLVD	W PALM BEACH 33405
* ZOOL. CONSORTIUM OF FL., INC.	7 CONTINENTS ZOO	RT #3 BOX 126	THURMONT 21788

GEORGIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALVES, JF	HILLSIDE CHIMP FARM	PO BOX 66	CLERMONT 30527
* BAUMANN, R&L	LIN-RICH ANIMAL CIR & PET'EM ZOO	RT 1 BOX 74	ELLERSLIE 31807
* CITY OF ALBANY	TIFT ZOOLOGICAL PARK	1314 NO MONROE ST	ALBANY 31705
* CITY OF ATLANTA	ATLANTA ZOO, PARK	800 CHEROKEE AV, SE	ATLANTA 30315
* EVANS, R	MONKEY PALACE	2222 PALMYRA RD	ALBANY 31702
* KETCHAM, CJ		PO BOX 847	WOODSTOCK 30188
* KETCHAM, JL		PO BOX 847	WOODSTOCK 30188
* SEORS, R		131 SHUMAN RD.	ELLABELL 31308
* SNOWDEN, R	CHICO'S MONKEY FARM	RT 1 BOX 118	RICHMOND 31324
* STAHL SOUTHERN GROUP INC	KINGDOMS 3	LION COUNTRY PARKWAY ROBT. E. LEE BLVD	STOCKBRIDGE 30281
* STONE MOUNTAIN GAME RANCH INC			STONE MOUNTAIN 30086
* THOMAS, HO&RM		PO BOX 281	RIVERVIEW 33569

HAWAII
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF HONOLULU	HONOLULU ZOO	151 KAPAHULU AVE	HONOLULU 96815
* COUNTY OF HAWAII	PANAEWA RAINFOREST ZOO	25 AUPUNI ST	HILO 96720
* COUNTY OF MAUI	MAUI ZOOL & BOT GARDENS		WAILUKU 96793
* FIRST FED. S & L ASSN. OF HI		PO BOX 3346	HONOLULU 96801
* ISLAND HOLIDAYS, LTD	COCO PALMS RESORT HOTEL	PO BOX 631	LIHUE 96766
* KOOLAU PETS, INC		45-1045 KAM HIGHWAY	KANEOHE 96744
* MEADOW GOLD DAIRIES-HAWAII	MEADOW GOLD FARMS	RR 1 BOX 224	HALEIWA 96712
* MOLOKAI RANCH WILDLIFE PARK		PO BOX 8	KAUNAKAKAI 96748
* PEARL CITY TAVERN		PO BOX 246	PEARL CITY 96782
* PIPER PRODUCTIONS		335 ELELUPE RD	HONOLULU 96821

IDAHO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BOISE CITY ZOO		1104 ROYAL BLVD	BOISE 83706
* GOBLE, EL	COWBOY JOE & HIS ANIMAL SHOW	PO BOX 303	NAMPA 83651
* ROSS PARK ZOO		BOX 4169	POCATELLO 83201
* TAUTPHAUS PARK ZOO		PO BOX 220	IDAHO FALLS 83401
* W E ARRINGTON, INC	ARRINGTON'S ANIMAL PARK	BOX 881	IDAHO FALLS 83401

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANIMAL KINGDOM, INC.	ANIMAL KINGDOM EXHIBITS		
* BUIKEMA, C & C	BUIKEMA ACE HARDWARE	1030 N. WASHINGTON ST.	NAPERVILLE 60540
* CANTON PARK DISTRICT		250 S AVE D	CANTON 61520
* CHAMPAIGN PK DISTRICT	CHILDREN'S PRAIRIE FARM	706 KENWOOD RD.	CHAMPAIGN 61820
* CHICAGO PARK DISTRICT	LINCOLN ZOOL. PARK	425 E. MCFETRIDGE DR.	CHICAGO 60605
* CHICAGO ZOOLOGICAL PARK		3300 S GOLF RD	BROOKFIELD 60513
* CHILDREN'S MUSEUM, INC.		PO BOX 1136	DECATUR 62525
* CITY OF AURORA	PHILLIPS PARK ZOO	44 EAST DOWNER PLACE	AURORA 60504
* CITY OF BLOOMINGTON	MILLER PARK ZOO	PO BOX 3157	BLOOMINGTON 61701
* CITY OF ELGIN	LORDS PARK	150 DEXTER CT	ELGIN 60120
* DEPT OF VETERANS AFFAIRS	ILLINOIS VETS HOME	126 W JEFFERSON ST	SPRINGFIELD 62705
* DIETZ, WH		NORTH MAIN ST	MASON CITY 62664
* DUNDEE TOWNSHIP PARK DIST RICT	RANDALL OAKS PARK & ZOO	21 N WASHINGTON ST	CARPENTERSVILLE 60110
* DUPAGE CO. FOREST PRES. D IST.	WILLOWBROOK WILDLIFE HAVEN	25101 PARK BLVD	GLEN ELLYN 60137
* EDLUND, L & R	WHITE PINES DEER PARK	R 3 BOX 259	OREGON 61061
* ELLIOTT, R	HEE HAW FARM	2140 SANDERS RD	NORTHBROOK 60062
* FOREST PARK FOUNDATION	WILDLIFE PRAIRIE PARK	4801 N. PROSPECT RD.	PEORIA HEIGHTS 61614
* FOREST PRESERVE DIST/COOK CO.		536 NO HARLEM AV	RIVER FOREST 60305
* HUME'S EXOTIC WILDLIFE RA NCH		1404 RUSSE RD.	MARENGO 60152
* LAMBS, INC.		BOX 520	LIBERTYVILLE 60048
* LASALLE COUNTY PARKS	ENVIRONMENTAL CENTER	RT 4	OTTAWA 61350
* MARTINEZ, CA		436 4TH ST	NORTHFIELD 60093
* MATHENA M		26 W. 300-ARMY TRAIL RD.	BARTLETT 60130
* NAGHTIM		436 4TH ST	NORTHFIELD 60093
* PEORIA PARK DISTRICT	GLEN OAK ZOO	2218 NO PROSPECT RD	PEORIA 61603
* POLAR DOME CORPORATION	SANTA'S VILLAGE	RT 72 & 25	E DUNDEE 60118
* POZEN, G		439 BUCKEY DR	WHEELING 60090
* REDING, M	FISHERMAN'S DUDE RANCH	9600 GOLF RD	DES PLAINES 60016
* ROCK ISLAND CO FOREST PRE S.	NIABT ZOOL. PRESERVE	1504 3RD AVE	ROCK ISLAND 61201
* ROCKPORT PARK DISTRICT	CHILDREN'S FARM	1401 N SECOND ST	ROCKFORD 61107
* SHAFTON, S	THE AMAZING MR. SHAFTON	616 WICKER AV	STREAMWOOD 60103
* SHEPPARD, JA		RR 4	SPRINGFIELD 62707
* SPRINGFIELD PARK DISTRICT	HENSON C. ROBINSON ZOO	PO BOX 5052	SPRINGFIELD 62705
* TALBOTT, G		RR2	MANITO 61546
* VOKOUN, WF	PINE HILL BIRD FARM & ZOO	2605 63RD ST	DOWNERS GROVE 60515
* WATSON, L	PLAINSMEN ZOO	RT 4 BOX 151	ELGIN 60120
* WHEATON PARK DIST.	COSLEY CHILDREN'S ANIMAL FARM	666 SO MAIN ST	WHEATON 60187
* WILHELM'S LANDING, INC		PO BOX 934	JOLIET 60434
* WONDERFUL WORLD OF ANIMAL S		RR 2 BOX 329	PEORIA 61614

INDIANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AMISHVILLE U.S.A.		RR 2	GENEVA 46740
* BIGGS, M		BOX 1A	RUSSELLVILLE 46175
* BOOKER, C	STORYBOOK VILLAGE		DUGGER 47848
* BOYD, RU	SILVERMOON ROLLER RINK	RR 2, BOX 98	WATERLOO 46793
* CHILDREN'S MUSUEM, INC.		3000 N. MERIDIAN	INDIANAPOLIS 46208
* CITY OF EVANSVILLE	MESKER PARK ZOO	CIVIC CENTER COMPLEX	EVANSVILLE 47737
* CITY OF MICHIGAN CITY	WASHINGTON PARK ZOO GDNS	LAKE FRONT	MICHIGAN CITY 46360
* CITY OF RICHMOND	GLEN MILLER PARK	PARK & REC DEPT	RICHMOND 47374
* CLARK, B		RT 1 BOX 101	CLARKS HILL 47930
* DEPT. OF NATURAL RESOURCES	POKAGON STATE PARK	616 STATE OFFICE BLDG	INDIANAPOLIS 46204
* DRAKE, BW&J	HILL HAVEN GAME FARM & ZOO	RR 51 BOX 699	TERRE HAUTE 47805
* FT WAYNE CHILDRENS ZOOL. GDNS		3411 SHERMAN ST	FORT WAYNE 46808
* HARDING, WB & ME		182 W MAIN ST	PERU 46970
* IND DEPT OF NATURAL RESOURCES	JASPER-PULASKI FISH & WILD AREA	607 STATE OFFICE BLG	INDIANAPOLIS 46204
* INDIANAPOLIS ZOOL. SOC., INC.		3120 E 30TH ST	INDIANAPOLIS 46218
* KELLY, PR	KELLY WINTER CIRCUS	RR 5	PERU 46970
* LAFAYETTE BOARD OF PARKS & REC	COLUMBIAN PARK ZOO	1915 SCOTT ST	LAFAYETTE 47904
* LAKE COUNTY FAIRGROUNDS		889 S COURT ST	CROWN POINT 46307
* N AM. WILDLIFE PARK FNDN. INC	WOLF PARK		BATTLE GROUND 47920
* PARISH, R		RT 1	KINGMAN 47952
* PICKETT, N		238 NORTH DEPOT ST	BRAZIL 47834
* POTAWATOMI PARK ZOO		301 S ST. LOUIS BLVD	SOUTH BEND 46617
* SANTA CLAUS LAND INC		BOX 36	SANTA CLAUS 47579
* SCHAFFER, EV & M		RR 1 BOX 357	WESTFIELD 46074
* SMITH, GT		RT. 1 BOX 138A	GALVESTON 46932
* SMITH, K		RT 3 BOX 43	MUNCIE 47302
* STRONG, D	BEARCREEK FARMS	R 1	BRYANT 47326
* TAYLOR, KJ	TAYLOR ENTERPRISES	RT 1 BOX 151	CARBON, 47837
* TURNER, RK		RR 1 BOX 223	WALTON 46994
* VOLZ, HC		RR 2 BOX 430	BATESVILLE 47006
* WARNER, J		2915 MORRIS AVE	TERRE HAUTE 47805
* WEATHERWAX, G		54311 CR 33	MIDDLEBURY 46540
* WERERDING, W		RT 3 BOX 117	BATESVILLE 47006
* WISE, D		R 1 BOX 416	MUNCIE 47302
* WOODARD, E & B	SPRUCE HILL FARMS	RR 7 BOX 206	MARTINSVILLE 46151
* ZOPPE, SR., J & DE		RR 2 BOX 484C	ROCHESTER 46975

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BLAIR, JI	DEERLAND ZOO		LAKE PARK 51347
* CITY OF MUSCATINE	WEED PARK ZOO		MUSCATINE 52761
* DES MOINES CHILDREN'S ZOO		7401 SW 9TH ST	DES MOINES 50315
* ELDORA CITY PARK		1702 15TH ST	ELDORA 50627
* LYON COUNTRY CONSERVATION LEAGUE			ROCK RAPIDS 51246
* PETERSON, S	PHINEAS T. SALT & CO.	2001 LEECH AVE.	SIOUX CITY 51107
* SEABOLD, J	SEABOLD ANIMAL FARM	VALLEY RD RT 1	KEOKUK 52632

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BRIT SPAUGH ZOO		BOX 215	GREAT BEND 67530
* CITY OF INDEPENDENCE	RALPH MITCHELL ZOO	RT 4	INDEPENDENCE 67301
* CITY OF MANHATTAN	SUNSET ZOOLOGICAL PARK	11TH & POYNTZ PO BOX 748	MANHATTAN 66502
* DAVIS, B&K	HAPPY HOLLOW ZOO	101 HAPPY HOLLOW LANE	FORT SCOTT 66701
* FARMER, LR	PRAIRIE DOG TOWN	I-70 & HWY 83	OAKLEY 67748
* LEE RICHARDSON ZOO		P.O. BOX 499	GARDEN CITY 67846
* LEONARD, RE		RT 5 BOX 59	MANHATTAN 66502
* SEDGWICK COUNTY ZOOLOGICAL SOCIETY		5555 ZOO BLVD	WICHITA 67212
* SHARON, J	MID-AMERICAN ZOO.GDNS	10700 QUIVIRA RD.	OVERLAND PARK 66210
* TOPEKA ZOOLOGICAL PARK	GAGE PARK ZOO	635 GAGE BLVD	TOPEKA 66606

KENTUCKY
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* LOUISVILLE ZOO. GARDEN		1100 TREVILIAN WAY	LOUISVILLE 40213

LOUISIANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALEXANDRIA ZOOLOGICAL PARK		PO BOX 71	ALEXANDRIA 71301
* AUDUBON PARK COMMISSION	AUDUBON PARK & ZOOL. GARDENS	PO BOX 4327	NEW ORLEANS 70118
* CITY OF MONROE	LOUISIANA PURCHASE GARDENS & ZOO	PO BOX 123	MONROE 71201
* GREATER BATON ROUGE ZOO		PO BOX 458	BATON ROUGE 70821
* LEBLANC, BJ	CRITTER CORNER PET SHOP	PO BOX 458	CUT OFF 70345
* WHITE, G	GULF COAST SERPENTARIUM	RT 1 BOX 455	SLIDELL 70458

MAINE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANIMAL FOREST PARK		BOX 404	YORK BEACH 03910
* DEPT OF INLAND FISH & WILD		284 STATE ST	AUGUSTA 04333
* FRASER, CH	LUDLOW BEAR FARM	RT 1	HOULTON 04730
* GALLOP, V	GALLOP'S ANIMAL RANCH	RFD 2	HOULTON 04730
* LAUPPE, A	SIMPSON'S WILD ANIMAL PARK	OLD BATH ROAD	BRUNSWICK 04011
* MCKENNA, E	RUMFORD ZOO	RT 2	RUMFORD POINT 04279
* MERRILL, CRE	MERRILL WILDLIFE CT	RFD 2 RT 136	LISBON FALLS 04252
* PRIME, E	ROSELEDGE FARM	RFD #5	AUGUSTA 04330
* SEALAND OF CAPE COD INC.	AQUALAND WILDLIFE PARK	RT 6A	BREWSTER 02636
* SKIBICKI, J		5 SAYWARD ST	KENNEBUNK 04043

MARYLAND
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AMBROSE, EL		RT 2 BOX 1138	HAGERSTOWN 21740
* BALTIMORE ZOO		DRUID HILL PARK	BALTIMORE 21217
* DAVIS, G	TRIO-D-FARM SUPPLY	PO BOX 325 RB STATION	PASADENA 21122
* ENCHANTED FOREST		10040 BALTO NATL PIKE	ELLICOTT CITY 21043
* HINKLE, J		1396 DUAL HWY	HAGERSTOWN 21740
* LEWIS, JL	BIG VALLEY RANCH	BOX 1156 LAKE SHORE	PASADENA 21122
* SALISBURY ZOO		750 S. PARK DRIVE	SALISBURY 21801
* ZOOLOGICAL CONSORTIUM, INC.	CATOCTIN MOUNTAIN ZOO		THURMONT 21788

MASSACHUSETTS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AQUARIUM OF CAPE COD, INC	AQUA CIRCUS	RT 28	WEST YARMOUTH 02673
* BASSETT, HW	BASSETT WILD ANIMAL FARM	TUBMAN RD	BREWSTER 02631
* BOSTON MUSEUM OF SCIENCE	LIVI ANIMAL CENTER	SCIENCE PARK	BOSTON 02114
* CAPRON PARK ZOO		COUNTY ST	ATTLEBORO 02703
* CHILDREN'S MUSEUM	THE JAMAICAWAY		BOSTON 02130
* CITY OF NEW BEDFORD	BUTTONWOOD PARK ZOO	133 WILLIAM ST.	NEW BEDFORD 02740
* CITY OF PITTSFIELD	DEPT OF PARKS & RECREATION	874 NORTH ST	PITTSFIELD 01201
* CITY OF SPRINGFIELD	FOREST PARK ZOO		SPRINGFIELD 01108
* CITY OF WORCESTER	GREEN HILL PARK	455 MAIN STREET	WORCESTER 01608
* EDAVILLE CORP		BOX 7 RTE 58	SOUTH CARVER 02366
* ESTES, KL	MOHAWK TEPEE GIFT SHOP	RT 2 MOHAWK TRAIL	SHELBURNE FALLS 01370
* FOREST PARK ZOOL. SOCIETY	J.P. HEADY KIDDIELAND ZOO	SOUTH GREETING RD	SPRINGFIELD 01108
* FRANK NEWHALL LOOK MEM. PARK		300 N MAIN ST	FLORENCE 01060
* H. K. WERSTER CO., INC.		32 WEST ST	LAWRENCE 01842
* JOHN SONS INC	SANTAS LOOKOUT	RT 114	MIDDLETON 01949
* MASS AUDUBON SOC			LINCOLN 01773
* METROPOLITAN DIST COMM	FRANKLIN PARK ZOO		DORCHESTER 02121
* MT. WACHUSETT ANIMAL FORREST INC.		OLD PRINCETON RD BOX 51	HUBBARDSTON 01452
* NEW ENGLAND AQUARIUM CORP		CENTRAL WHARF	BOSTON 02110
* SPRINGFIELD SCI. MUSUEM		236 STATE ST	SPRINGFIELD 01103
* TOWER, RE	TUDOR AQUARIUM	399 WEST BROADWAY	SOUTH BOSTON 02127
* TOWN OF NORTH ATTLEBORO	WORLD WAR 1 MEMORIAL PARK	43 S. WASHINGTON ST.	NORTH ATTLESBORO 02760
* WALTHAM PK & REC DEPT		314 TOTTEN POND RD	WALTHAM 02154
* WATSON, B		POND STREET	ESSEX 01929
* WORCESTER SCIENCE CTR	WORCESTER NAT HIS SOC	222 HARRINGTON WAY	WORCESTER 01604

MICHIGAN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF DETROIT		BOX 39	ROYAL OAK 48068
* CITY OF GRAND RAPIDS	JOHN BALL ZOOL. GARDENS	301 MARKET ST SW	GRAND RAPIDS 49502
* COWBELL SEEDS, INC.	PLANK ROAD FARM	1093 129TH ST.	BRADLEY 49311
* DEER FOREST PARK INC		BOX 817	COLOMA 49038
* DEER PARK FUNLAND INC		4750 WHITEHALL RD	MUSKEGON 49445
* HEIDE, K	GAME HAVEN	13750 SHIRE RD	WOLVERINE 49799
* JONKER'S, INC		897 LINCOLN AVE	HOLLAND 49423
* SCHUMACHER, J	SCHUMACHER'S CHIMPANZEES	1456 NORTHWAY	UNION LAKE 48085
* SOULES, G	POODLES OF PARIS	1456 NORTHWAY	UNION LAKE 48085

MINNESOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CALL OF THE WILD, INC		4948 THREE POINTS BLVD	MOUND 55364
* CAMPBELL, D	MILLIKEN CREEK	BOX 104	WEST CONCORD 55985
* COOK, V&M	COLD SPRINGS 66		ORR 55771
* EGGLESTON, O&D		DEER VALLEY	WALKER 56484
* LABARGE, L&R	SMOKEY HOLLOW ANIMAL HAVEN	RT 1 BOX 59	CHISHOLM 55719
* LENZ, FC	DEER FOREST	PO BOX 134	NISSWA 56468
* LENZ, W	WILLY LENZ CHIMPANZEE ACT	BOX 134	NISSWA 56468
* LOSS, MT	TOTAL LOSS GAME FARM	RT 10 BOX 63	BRAINERD 56401
* MARKKANEN, R	10,000 SEA SHELLS	RT 1 BOX 282	EVELETH 55734
* MCGREGOR DAIRY QUEEN, INC		BOX 66	MCGREGOR 55760
* PARSONS, A	HIGH FALLS TRAD.POST		
* ROLLIE WESTMAN ENT INC	WILDWOOD	ROUTE 1	CENTER CITY 55012
* SIMPSON, D & D	DEER TOWN	RT 2	PARK RAPIDS 56470
* SMUDA, F & L		RT 3 BOX 244	LITTLE FALLS 56345
* STATE OF MINNESOTA	MINN ZOOLOGICAL GARDEN	12101 JOHNNY CAKE RIDGE RD	APPLE VALLEY 55124
* TANK, GA	DEERLAND ENT	RT 7 BOX 11	BRAINERD 56401
* TROUMBLY, R	TROUT LAKE DEER FARM	RT 1 BOX 211T	BOVEY 55709
* TRYON, R	HIGH TOWN DEER PARK	RT 3 BOX 160	BEMIDJI 56601
* VALLEY PARK, INC		1 VALLEYFAIR DRIVE	SHAKOPEE 55379
* WALTERS, C	RIVERSIDE INN	PO BOX 96	SIDE LAKE 55781

MISSISSIPPI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BRELAND, MA	THE CABIN STORE	HWY 29-NORTH	WIGGINS 39577
* CITY OF HATTIESBURG	KAMPER PARK & ZOO	107-17TH AVE	HATTIESBURG 39401
* CITY OF JACKSON	JACKSON ZOOLOGICAL PARK	2918 W CAPITOL ST	JACKSON 39209
* CITY OF MERIDIAN	MERIDIAN ZOO	PO BOX 4153 W. STATION	MERIDIAN 39301
* MARINE ANIMAL PRODUCTIONS INC		150 DEBUYS RD	BILOXI 39531

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ACTION ADVERTISING CO.		3819 WILCOX RD.	POPLAR BLUFF 63901
* ANHEUSER-BUSCH, INC.		721 PESTALOZZI ST	ST. LOUIS 63118
* CARDEN-JOHNSON CIRCUS COR P.		RT. 2 BOX 80	WILLARD 65781
* HALE, D	5-H RANCH ZOO	RT 2	CAPE GIRARDEAU 63701
* JONES, D & G	ROARING ACRES ZOO RANCH	PO BOX 127	CAPE GIRARDEAU 63701
* KANSAS CITY ZOO, GARDEN		SWOPE PARK	KANSAS CITY 64132
* KRUSE, M	HOMESTEAD FARM	RT. 2 BOX 306	BLUE SPRINGS 64015
* SIX FLAGS OVER MID-AMERIC A INC		PO BOX 666	EUREKA 63025
* SPRINGFIELD PARK BOARD	DICKERSON PARK ZOO	1923 NORTH WELLER	SPRINGFIELD 65803
* ST. LOUIS ZOOLOGICAL PARK		FOREST PARK	ST. LOUIS 63110

MONTANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AVERILL, T	RED LODGE ZOO	523 N. HAUSER	RED LODGE 59068
* THE TRAP INC		5850 HWY 2 EAST	COLUMBIA FALLS 59912

NEBRASKA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AGER MEMORIAL ZOO	PIONEER PARK ZOO	1300 S 27TH ST	LINCOLN 68502
* ARNOTT R. FOLSOM ZOOL. SO C.	LINCOLN CHILDREN'S ZOO	2800 A ST	LINCOLN 68502
* BROZOVSKY, L & A	A & B MONKEY HAVEN	309 BURLINGTON	YORK 68467
* CITY OF NORTH PLATTE	CODY PARK ZOO	211 WEST 3RD ST	NORTH PLATTE 69101
* HENRY DOORLY ZOO	RIVERVIEW PARK		OMAHA 68107

NEVADA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AUBAIN, CL		115 E WIGWAM	LAS VEGAS 89119
* AUGSPURG, C		6772 EASTERN AVE	LAS VEGAS 89119
* DAVIS, J & BIRCHFIELD, W	BIG JOHN A STRONG CIRCUS	185 SERGEI	SUN VALLEY 89431
* DETROY, G	MARQUIS CHIMPANZEES	2971 SANTA MARGARITA	LAS VEGAS 89102
* EVANS, K	CATS	5938 BARRY LN	LAS VEGAS 89119
* HANTIGOVA, O & D		4659 MONTEREY CIRCLE	LAS VEGAS 89109
* HITBEL, A&D		9499 WIGWAM WAY	RENO 89506
* LEE, LR & PRATT, SR	STRAW HAT ANIMALS	1313 CHARMAST AVE.	LAS VEGAS 89102
* LEF, RJ		3660 LONE TREE LN	RENO 89511
* LEVINSON, A&B	BONNIE SPRINGS RANCH		BONNIE SPRINGS 89004
* MEYER, L		2115 MOHEGAN WAY	LAS VEGAS 89109
* POST, H		2695 LINDALL	LAS VEGAS 89102
* RUBY, J & M	RANCHO LOS LOBOS	PO BOX 95	MOAPA 89025
* SCHEPOK, K	THE ARDEN'S POODLES	4026 SYRACUSE DR	LAS VEGAS 89121
* SIEGFRIED & ROY, ENT. INC		1639 NO VALLEY DR	LAS VEGAS 89108
* SPARKS NUGGET, INC.		PO BOX 797	SPARKS 89431
* VARGAS, J & P		192 ERIE AVE	LAS VEGAS 89119
* VINICKY, J		3131 S JONES BLVD	LAS VEGAS 89102
* WYNN, EE		PO BOX 1274	WINNEMUCCA 89445
* ZOOLOGICAL SOCIETY OF NEVADA	LAS VEGAS VALLEY ZOO	PO BOX 4036	TULE SPRINGS 89106

NEW HAMPSHIRE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BALDI, L	ENCHANTED FOREST	SHORE DR	LACONIA 03246
* BENSON WILD ANIMAL FARM, INC.			HUDSON 03051
* BRADY, J	SIX GUN CITY	RT. 2 BOX 114	JEFFERSON 03583
* CLARK'S TRADING POST		BOX 1	NO. WOODSTOCK 03262
* FOX, B	FRIENDLY FARM	BOX 76	DUBLIN 03444
* LEMIEUX, J	KOKO THE WONDER CHIMP	ROUTE 3 GREEN RD.	RAYMOND 03077
* LIN-WOOD INVESTORS, INC	FANTASY FARM-NATURELAND	RT 3	LINCOLN 03251
* MORRELL CORP.	STORYLAND	NEARSARGE ST	N CONWAY 03860
* PROVENCHER, A	MY WORLD OF PETS	RT 3 STAR DR BOX 909	MERRIMACK 03054
* SANTA'S VILLAGE INC.		PO BOX 8	JEFFERSON 03583
* SQUAM LAKES SCIENCE CENTER		PO BOX 146	HOLDERNESS 03245
* WEIRS SPORTS CENTER, INC	STORYBOOK FOREST	RT 3	WEIRS BEACH 03246

NEW JERSEY
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANIMAL ACTORS INT INC		RD 3 BOX 221	WASHINGTON 07882
* ASHWORTH, JR		PO BOX 120	JACKSON 08527
* BERGEN CO. PARK COMM.		575 MAIN STREET	HACKENSACK 07601
* BRIDGETON CITY PARK	COHANZICK ZOO	CITY PARK	BRIDGETON 08302
* BROWN, D & SOUTHREY, WR	ANIMAL ATTRACTIONS UNLIMITED	BOX 365 A-RD 4	PLEASANTVILLE 08232
* BURGER, J & F		RD 1 BOX 431-A	BLACKWOOD 08012
* CAPEMAY COUNTY PARK ZOO		RT 9	CAPE MAY COURT HOUSE 08210
* CITY OF TRENTON	CADWALADER PARK	CITY HALL E STATE ST	TRENTON 08608
* COLLINS, B		RT 23	OAK RIDGE 07438
* DAWN ANIMAL AGENCY, INC	MEADOW GATE FARM	CROSS RD	COLTS NECK 07722
* ESSEX COUNTY PARK COMM	TURTLE BACK ZOO	115 CLIFTON AVENUE	NEWARK 07104
* FALLON, S&L	FALCONWAY	285 CLEAR STREAM RD	JACKSON 08527
* GIORDANO, S&R		RD 1 BOX 109-E	FRANKLIN 07416
* HUNT'S CIRCUS, INC.		PO BOX 66	FLORENCE 08518
* JONES, RE		151 N. ANNAPOLIS AVE.	ATLANTIC CITY 08401
* MARASEK, JB		PO BOX 12	CLARKSBURG 08510
* MCMILLAN, D	GREAT ADVENTURE	RT 1 ORR RD	ALLENTOWN 08501
* MIDDLESEX CO. PKS./REC. DEPT.		PO BOX 661	NEW BRUNSWICK 08903
* MORGAN, R	ANIMALAND EXHIBITS	164 WESTMINSTER	ATLANTIC CITY 08401
* POPCORN PARK ZOO		PO BOX 43	FORKED RIVER 08731
* ROBINSON, R	BOUINK THE CLOWN	627 CAYUCA	PLEASANTVILLE 08232
* ROSE, C & M	ROSE'S ANIMAL FARM	HOBSON AVENUE	TRENTON 08610
* SERIO, M		35 GENES CT.	ROCKAWAY 07866
* SILS, JR		PO BOX 123	BORDENTOWN 08505
* SPACE WILD ANIMAL FARM IN C		RFD 3 BEEMERVILLE RD	SUSSEX 07461
* TERRY, FT&FL	TERRY LOU ZOO	1451 RARITAN RD	SCOTCH PLAINS 07076
* TOWN OF KEARNY		BERGEN AVENUE	KEARNY 07032
* WHITCRAFT, JR	MONKEY BUSINESS	109 DELAWARE AVE RT 16	MT HOLLY 08060
* WINTERS, R		144 PAULIN BLVD.	LEONIA 07605
* YOUNG, PM	MISTY HOLLOW FARM	RD 1 BOX 275	FLEMINGTON 08822

NEW MEXICO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF ALBUQUERQUE	RIO GRANDE ZOOL PK	PO BOX 1293	ALBUQUERQUE 87102
* STARKEY, EB		3406 ENGLISH RD	FARMINGTON 87401

NEW YORK
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALL-TAME ANIMALS, INC.		53 OLD WELL RD.	PURCHASE 10577
* ANIMAL LAND INC		RT. 9 RD 2	GLENS FALLS 12801
* BARRA, JF		1721 ST. PAUL ST	ROCHESTER 14621
* BURNET PARK ZOO		412 SPENCER ST	SYRACUSE 13204
* CATSKILL GAME FARM INC		RD 1 BOX 92	CATSKILL 12414
* CHATEAU STABLES, INC.		608 W 48TH ST	NEW YORK 10036
* CHOVANIC, D&D & CICCHETTI , O	LITTLE LION LAND	1134 UNION AVE.	NEWBURGH 12550
* CITY OF KINGSTON	FORSYTH PARK ZOO	276 FAIR ST	KINGSTON 12401
* CITY OF NEW YORK	CENTRAL PARK ZOO	850 FIFTH AV	NEW YORK 10021
* CITY OF UTICA & UTICA ZOO SOC.		STEELE HILL RD	UTICA 13501
* CITY OF WATERTOWN	THOMPSON PARK ZOO	215 WASHINGTON ST.	WATERTOWN 13601
* COUNTY OF MONROE	SENECA PARK ZOO	33 MAIN ST. WEST	ROCHESTER 14614
* CROSS, L & R	FORT RICKEY GAME FARM	RD #5	ROME 13440
* CROW & COON PROD.,INC		157 HUDSON ST.	NEW YORK 10013
* FANTASY ISLAND, INC		2400 GRAND ISLAND BLVD	GRAND ISLAND 14072
* FRONTIER TOWN PROD., INC			NO HUDSON 12855
* FULTON-DARBY, INC		353 W. 56TH ST.	NEW YORK 10019
* GILLETTE, AE	MAGIC FOREST	RT. 9	LAKE GEORGE 12845
* HERITAGE DEVELOPMENT GR., INC.		HERITAGE HILLS DR.	SOMERS 10589
* HERMAN'S NURSERY, INC.			
* HIRES, DM		660 DUTCHESS TNPK	POUGHKEEPSIE 12603
* KELLY, J	KELLY'S CHIMPANZEES	171 SO PORTAGE ST	WESTFIELD 14787
* LONG ISLAND GAME FARM INC		77 CLAYWOOD DR	BRENTWOOD 11717
		CHAMPMAN BLVD	MANORVILLE 11949
* MARMOSET BREEDING FARM, I NC.	MARMOSET BREEDING FARM	362 MOSLEY RD	ROCHESTER 14616
* MILLBROOK SCHOOL		MILLBROOK SCH RD	MILLBROOK 12545
* MOREAU, PJ	JOY & THE MOREAU BOYS	1807 18TH ST	NIAGARA FALLS 14305
* MUS. OF THE HUDSON HIGHLA NDS		THE BOULEVARD	CORNWALL-ON-HUDSON 12520
* NEW YORK ZOOLOGICAL SOC		185TH ST&SOUTHERN BLVD	BRONX 10460
* OPPENHEIM ZOOLOGICAL SOC.		2697 NIAGARA FALLS BLVD	NIAGARA FALLS 14304
* PALISADES INTERSTATE PARK COMM	BEAR MOUNTAIN TRAILSIDE MUS		BEAR MOUNTAIN 10911
* POPOLIZIO, GR		RT 1	HOLMES 12531
* RIX, A	RIX PERFORMING BEARS	RD 1	MIDDLETOWN 10940
* ROSH, B		BOX 3	WAVERLY 14892
* SARO, D		RT 44 BOX 181	AMENIA 12501
* SANTA'S WORKSHOP,INC			NORTH POLE 12946
* SERGENT, D		RT 44 BOX 181	AMENIA 12501
* SNYDER DARIEN CORP		9993 ALLEGHENY RD	CORFU 14036
* SOUTHERN TIER ZOOLOGICAL SOC.	ROSS PARK ZOO	BOX 1513	BINGHAMTON 13902
* STATEN ISLAND ZOOLOGICAL SOC.		614 BROADWAY	STATEN ISLAND 10310
* STEINHERR, S		RR 1 BOX 152	WINDHAM 12496
* STERLING AK FUR/GAME FARM INC		17 SARANAC AV	LAKE PLACID 12946
* STORYTOWN USA		LAKE GEORGE RD.	GLENS FALLS 12801
* VEIT, JM	CANDY CANE VILLAGE	1945 EDEN EVANS RD	EDEN 14057

NEW YORK
02/15/79

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	VIDBEL, A&J		RR 1 BOX 152	WINDHAM L2496
*	WILDCLIFF NATU. SCI CTR		WILDCLIFF RD	NEW ROCHELLE 10805
*	ZOOL. SOC. OF BUFFALO, INC.	BUFFALO ZOOL. GARDENS		BUFFALO 14214

NORTH CAROLINA
02/15/79

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	CITY OF ASHEVILLE	NATURE CENTER	GASHES CREEK ROAD	ASHEVILLE 28805
*	JETT'S PETTING ZOO, INC.		1200 WEST RD	KINSTON 28501
*	JOHNSON, SR, CH	JOHNSON'S ZOO & ANIMAL FARM	BUFFALO RD RT 3 BOX 464	SMITHFIELD 27577
*	LEE, M	RAINBOW TRAVELING SHOW	RT 2 SLEEPY CREEK	DUDLY 28333
*	LYONS, D	SANTA'S LAND ZOO	BOx 134A	CHEROKEE 28719
*	MILLER, JP	SOCO GARDENS ZOO	RT 1 BOX 355	MAGGIE VALLEY 28751
*	MOORE, V	VIC MOORE INTER, KARATE	120 DONALDSON ST	FAYETTEVILLE 28301
*	MORGAN, TM & LT	EXOTIC BIRDLAND	RT 1, BOX 156	LAURINBURG 28352
*	N, CAROLINA ZOOLOGICAL PARK		RT 4 BOX 73	ASHEBORO 27203
*	TOMS, L	RUTHERFORD CO ZOO	RT 3 BOX 306	FOREST CITY 28043
*	TREGEMBO, GR&J	TOTE-EM-IN-ZOO	5845 CAROLINA BCH RD	WILMINGTON 28401
*	TRUESDELL, T	VICTOR PROMOTIONS	P.O. BOX 795	CHEROKEE 28719
*	UNDERWOOD, W & B		RT 2	VASS 28394
*	WESTHEIMER, J	THE DEER FARM	PO BOX 7	DEEP GAP 28618
*	WILSON, E & H	PLAYTIME ANIMAL CIRCUS	P O BOX 1167	CONCORD 28025

NORTH DAKOTA
02/15/79

	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	CHAHINKAPA ZOO ASSN.	CHAHINKAPA ZOO	BOX 101	WAHPETON 58075
*	DAKOTA ZOOLOGICAL SOC., INC.	DAKOTA ZOO	PO BOX 711	BISMARCK 58501
*	GOLD SEAL CO.	MEDORA ZOO		MEDORA 58645
*	MINOT PARK DISTRICT	ROOSEVELT PARK ZOO	BOX 538	MINOT 58701
*	WILLISTON PARK DISTRICT	SPRING LAKE ZOO	BOx 1306	WILLISTON 58801

OHIO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BISCHOFF, RJ	HIGHWAY ANIMAL FARM	RT 1 BOX 97A	ADA 45810
* CITY OF AKRON PARKS & REC BUREAU	AKRON CHILDRENS ZOO	1436 TRIPLETT BLVD BLG 1A	AKRON 44306
* CITY OF COLUMBUS	COLUMBUS ZOO		COLUMBUS 43215
* CLARE-MAR-LAKES		RD #1 NEW LONDON EASTERN RD	NEW LONDON 44851
* CULLISON, K		1949 KIM DR	AKRON 44312
* DIAMOND K DONKEY BALL CO		R 1	WAPAKONETA 45895
* DODGE, G & H	GORDANS AMUSEMENTS	PO BOX 104	BURTON 44021
* DORMAN, R	REX HILL KENNELS	4101 MANCHESTER RD.	AKRON 44319
* EBENHACK, TE		3579 DUNGAN RD.	CIRCLEVILLE 43113
* EGGERS, DG	MOTHER NATURES MENAGERIE	695 WEBER AVENUE	AKRON 44303
* FOLLIN, WJ	A-1 DONKEY BALL CO	BOX 159	UNIOPOLIS 45888
* HEIDELBERG, RF	BRUKNER NATURE CT	5995 HORSESHOE BEND RD	TROY 45373
* HOSKINSON, SP	ANIMALS OF DISTINCTION	4 HOMESTEAD	SEVILLE 44273
* LAGOON DEER PARK INC		1502 MARTIN'S PT RD	SANDUSKY 44870
* LEDUC, P		PO BOX 69	ATLANTA 43104
* METROPARKS ZOOLOGICAL PARK	BROOKSIDE PARK	BOX 09040	CLEVELAND 44109
* PICARD, J & B	PARKMAN ZOOLOGICAL GARDENS	15639 MAIN MARKET RD.	WEST FARMINGTON 44491
* SAUDER MUSEUM		R 2	ARCHBOLD 43502
* SEA WORLD OF OHIO		1100 SEA WORLD DRIVE	AURORA 44202
* SEDIVY, R		252 SPRINGDALE LANE	MORELAND HILLS 44022
* SEELEY, DV	LION WRECKING YARD	10139 S.R.164S	LISBON 44432
* TAFT BROADCASTING CO.	KINGS ISLAND	1906 HIGHLAND AVE.	CINCINNATI 45219
* THE HIRAM HOUSE		33775 HIRAM TRAIL	CHAGRIN FALLS 44022
* TOLEDO ZOOLOGICAL SOCIETY		2700 BROADWAY	TOLEDO 43609
* WILLIAMS, JE		955 N STATELINE RD	SHARON 16146
* YOXALL, L	Y-BAR ENTERPRISES	11117 CLARIDON-TROY RD.	HUNTSBURG 44046
* ZOO SOC OF CINCINNATI		3400 VINE ST	CINCINNATI 45220

OKLAHOMA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALBRO, A	BUFFALO RANCH		AFTON 74331
* BARREDA, J		PO BOX 381	EDMOND 73034
* CARSON & BARNES CIRCUS, INC.		PO BOX J	HUGO 74743
* CITY OF ALVA ZOO		415 4TH ST	ALVA 73717
* CITY OF OKLAHOMA CITY	OKLAHOMA CITY ZOO TRUST	RT 1 BOX 1	OKLAHOMA CITY 73111
* CITY OF TULSA	TULSA ZOOLOGICAL PARK	5701 W. 36TH ST. NORTH	TULSA 74115
* HAGEE, J	ARBUCKLE WILDERNESS	RT 2 BOX 84	EDMOND 73034
* WARD, R		RT 1 BOX 110	LOCUST GROVE 74352

OREGON
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CHILDERS, J & F	ROGUE VALLEY WILDLIFE PARK	1765 BROWNS BORO-MERIDIAN RD	EAGLE POINT 97524
* CITY OF KLAMATH FALLS	MOORE PARK	PO BOX 237	KLAMATH FALLS 97601
* FIEBER, B	OREGON COAST SAFARI		SILETZ 97380
* GILBERT, L & W	WOODLAND DEER PARK	27893 REDWOOD HWY	CAVE JUNCTION 97523
* HOLLAND, L & L	DEERLAND PARK	BOX 77	CHILOQUIN 97624
* HURDY GURDY CIRCUS, INC.		1303 SW 16TH	PORTLAND 97201
* INDIAN FOREST INC		ROUTE 1 BOX 654	FLORENCE 97439
* JACOBS, JR., T	CANDYLAND CIRCUS	RT 4, BOX 652	GRESHAM 97030
* JOYNER, L&J		4401 ROCKYDALE RD.	CAVE JUNCTION 97523
* KABAT, RG & MA	ANIMAL ACTORS RANCH	13260 HWY 238	JACKSONVILLE 97530
* METROPOLITAN SERVICE DISTRICT	WASHINGTON PARK ZOO	1220 SW MORRISON	PORTLAND 97205
* SCHROEDER DJ & HURD B	BISON-TEN-YEL ZOO	175 MT VIEW DRIVE	EUGENE 97401
* WEST COAST DEER PARK INC		RT 1, BOX 1330	BANDON 97411
* WILDLIFE SAFARI		PO BOX 600	WINSTON 97496

PENNSYLVANIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ACDMY OF NAT SCIENCES		19TH & THE PARKWAY	PHILADELPHIA 19103
* ALLEGHENY CY PK RE CN		345 COUNTY OFF BLDG	PITTSBURGH 15219
* ANIMAL KINGDOM TALENT SER VICE		RD 2 BOX 61	TIOGA 16946
* BASS, JC & AC	THE LION'S DEN	PO BOX 182	RENOVO 17764
* BLUBAUGH, CR	TWIN KISS DRIVE-IN	RT 1 BOX 311	WAYNESBORO 17268
* BODINE, SR., GS	ANIMALAND	RD 6 BOX 225	WELLSBORO 16901
* BOROUGH OF NORRISTOWN	ELMWOOD PK ZOO	235 EAST AIRY ST	NORRISTOWN 19401
* BREEDMORE INTERNATIONAL L TD		RT 434	SHOHOLA 18458
* BRUBAKER, RM		PENRYN RD	MANHEIM 17545
* BRUMBAUGH, S		RD 1 BOX 514	ROARING SPRING 16673
* BUTTON, DE	BUTTONS PRE XMAS S CLAUSE SER	RD 1	MILLERTON 16936
* CITY OF SCRANTON	NAY AUG PARK ZOO	CITY HALL	SCRANTON 18510
* CLYDE PEELING'S REPTILAND LTD		PO BOX 66	ALLENWOOD 17810
* CORNWALL JR.,RA		20 RIVERSIDE DR	WARREN 16365
* DAVIS, RL		36 BRADDOCK DR	WASHINGTON 15301
* DEMBROSKY, MP		RD 3 BOX 323	NAZARETH 18064
* ERIE ZOOLOGICAL SOCIETY		653 SHUNPIKE RD	ERIE 16508
* EXHIBITS INC	DORNEY PARK ZOORAMA	4120-12TH AVE. W	BRADENTON 33505
* FAIRYLAND FOREST		C/O ASSOCIATED GAMES	CONNEAUT LAKE PK 16316
* FANTASYLAND, INC		PO BOX 339	GETTYSBURG 17325
* FOREST ZOO INC		BOX 79 RD	ASHVILLE 16613
* FORKER, T		BOX 125 STAR RT #3	TIONESTA 16353
* FUNCK, RS		RT. 2 BOX 309	ANNVILLE 17003
* GREGG, PC & J	KLONDIKE GIFT SHOP	KINZUA HTS	BRADFORD 16701
* HALL, V	CLAWS & PAWS WILD ANIMAL FARM	R D 1	LAKE ARIEL 18436
* HAVERSACK, WC			HYDE 16843
* HEASLEY, JE & EM	HEASLEY'S TRADING POST	RD 1	LEWIS RUN 16738
* HECK, T		400 KIDDER ST.	WILKES-BARRE 18702
* HERCO, INC.	ANIMAL GDNS. & ZOOAMERICA	ONE CHOCOLATE AVE.	HERSHEY 17033
* HILTS, LR		RD 2 MISTLETOE FARMS	MIDDLEBURY CENTER 16935
* HOCK, R	PEACOCK CNR GAME FARM	RD #4	BLOOMSBURG 17815
* HOLLER, J	DEER STOP	RD 1	EASTON 18042
* HOLMBERG, WC	FRONTIER ZOO	BOX C	LIGONIER 15658
* KIRACOFE, J & V	BOILING SPS ZOO PK & NAT CT	RD 1	BOILING SPRINGS 17007
* KISER, LL	KISER WILDLIFE RANCH	RD 1 BOX 117	CAIRNBROOK 15924
* KISTLER R	75 DAISY DIME	RD 1	E WATERFORD 17021
* LEHMAN, HW &FM	BLACK FOREST TRADING POST	RD 1 BOX 130	ULYSSES 16948
* LIPKO, COL. J	LIPKO'S CHIMPS	BARNESVILLE 18214	SEVILLE 44273
* MARCON, INC	ALL-AMERICAN REALTY CO.	WILD ACRES LAKES	DINGMAN'S FERRY 18328
* MARTIN'S AQUARIUM, INC.		101 OLD YORK RD	JENKINTOWN 19046
* MAYES, GT	GT MAYES DEER PARK	BOX 25	ANTES FORT 17720
* MCDANIEL, JH	JIM MACK'S ICE CREAM	RD #24 BOX 84	YORK 17406
* MCINTOSH, RT	BIRDLAND PARK	RD 1 BOX 326	COVINGTON 16917
* MEALY, R & L	LAKE LUCY PARK	RD 1 BOX 121	TIONESTA 16353
* MERCERBURG SPORTSMENS ASS N.,INC.		BOX 33	MERCERSBURG 17236
* MOMYER, R		206 S. WHITEHOUSE RD.	PHOENIXVILLE 19460
* MONTGOMERY CO COMM	UPPER SCHUYLKILL VALLEY FARM P K	ONE MONTGOMERY PLAZA	NORRISTOWN 19404
* MOON VALLEY PK INC		RR 1 BOX 50	MILFORD 18337

PENNSYLVANIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MOUNT AIRY LODGE			MT POCONO 18344
* PITTSBURG ZOO		CITY-COUNTY BLDG	PITTSBURGH 15219
* POCONO SNAKE COUNTRY INC		PO BOX 238	MARSHALLS CREEK 18335
* POCONO WILD ANIMAL FARM, INC.		RD 1	STROUDSBURG 18360
* POCONOS MAGIC VALLEY INC.		WINONA FALLS RD RT 209	BUSHKILL 18324
* PYMATUNING DEER PK		BOX 397	JAMESTOWN 16134
* ROSAIRE, SR., D & FAMILY		P.O. BOX 3612	SARASOTA 33578
* SILLS, C		145 GRANDVIEW RD	CENTRE HALL 16828
* SIMPSON, RR		R 5	GETTYSBURG 17325
* STORY BOOK FOREST, INC		BOX F	LIGONIER 15658
* THE AMISH FARM & HOUSE		2395 LINCOLN HY.E	LANCASTER 17602
* TOBIAS, DR & JR	LAKE TOBIAS & ANIMAL HAVEN	RD 1	HALIFAX 17032
* TREXLER LEHIGH CO GAME PR ES		RT 1	SCHNECKSVILLE 18078
* UNION CO. SPORTSMENS CLUB INC.		RD 1	MILLMONT 17845
* WAMPLER, DD	WAMPLERS WILD ANIMALS	RD 2 BOX 354	ANNVILLE 17003
* WAYNESBORO FISH & GAME PR OT ASSOC INC		PO BOX 368 RT 5	WAYNESBORO 17268
* WEAVER, IS	CHUKAR HILL WILD AN. RANCH	RD 1 BOX 443	EAST EARL 17519
* YEAGLE, NG	ANIMAL PARADISE	3020 PENNA AV W	WARREN 16365
* YOUNG, L	STORYLAND		SCHELLSBURG 15559
* YOUNG, WC		RD 1 BOX 81	NICHOLSON 18446
* ZIMMERMAN, RJ	GETTYSBURG GAME PK	RD 1	FAIRFIELD 17320
* ZOOLOGICAL SOC OF PHILADELPHIA	PHILADELPHIA ZOOL. GARDENS	34TH ST & GIRARD AV	PHILADELPHIA 19104
* ZUENDEL, RR & AL	ZUENDEL'S GROCERY	STAR RT 1	TIONESTA 16353

RHODE ISLAND
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF PAWTUCKET	SLATER MEMORIAL PARK ZOO	137 ROOSEVELT AVE	PAWTUCKET 02860
* CITY OF PROVIDENCE	ROGER WILLIAMS PARK ZOO		PROVIDENCE 02905
* ENCHANTED FOREST OF RI		RT. 3	HOPE VALLEY 02832
* GRAY, A & GREENE, J	GRAY & GREENE ANIMAL SHOWS	RT. 3 NORTH BROAD	ASHAWAY 02804
* RECORDS, LH		BEECH ST.	NO. KINGSTOWN 02852
* ROCKY POINT AMUSEMENTS, I NC			WARWICK 02889

SOUTH CAROLINA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* COLLINS, BH	CIRCLE C ANIMAL FARM & ZOO	RT 3	CAMPOBELLO 29322
* MARVIN, F		PO BOX 82	HOLLYWOOD 29449
* OAKNOLL		RT 2, BOX 60-A HWY 21	RIDGEWAY 29130
* RIVERBANKS ZOOL. PARK		PO BOX 1143	COLUMBIA 29202

SOUTH DAKOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABERDEEN PARKS & REC. DEPT.	WYLIE PARK ZOO	MUNICIPAL BLDG.	ABERDEEN 57401
* BEAR COUNTRY USA		R 2 BOX 628	RAPID CITY 57701
* CITY OF WATERTOWN	BRAMBLE PARK ZOO		WATERTOWN 57201
* GREAT PLAINS ZOO		600 EAST 7TH	SIOUX FALLS 57102
* HOLM, JC		615 E DAKOTA AVE	PIERRE 57501
* JOHNSON, CJ	JOHNSON FARM	4109 THUNDERBIRD TRAIL	SIOUX FALLS 57103

TENNESSEE
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BABY ANIMAL KINGDOM		HWY. 441	PIGEON FORGE 37862
* CITY OF KNOXVILLE	KNOXVILLE ZOOLOGICAL PARK	CITY HALL PARK	KNOXVILLE 37901
* CUMBERLAND MUS. & SCI. CENTER		800 RIDLEY AVE	NASHVILLE 37203
* LIBERTYLAND	ANIMAL PALS PETTING ZOO	PO BOX 14808	MEMPHIS 38114
* MEMPHIS ZOO. & AQUARIUM		OVERTON PARK	MEMPHIS 38112
* MILLS, B		RT 1	ROCKWOOD 37854
* OPRYLAND USA		PO BOX 2138	NASHVILLE 37214
* RUCKER, H	RUCKERS UNCAGED LEOPARD		WATERTOWN 37184
* SORELL, B	BUCK SORELL ENTERPR. ET AL	P.O. BOX 77	WHITE HOUSE 37188
* TYTLANDSVIK, L & PETERSON, L	TENNESSEE GAME FARM	RT. 2 BOX 192	JOELTON 37080

TEXAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ABILENE ZOOLOGICAL SOCTET Y		PO BOX 60	ABILENE 79604
* AMARILLO PKS REC DIV	AMARILLO STORY ZOO	PO BOX 1971	AMARILLO 79186
* AMUSMENTS INC.	MAGIC ISLES AMUSEMENT PARK	BOX 13130	CORPUS CHRISTI 78418
* CALDWELL SCHOOLS INC		PO BOX 428	TYLER 75701
* CENTRAL TX ZOO & BOT SOC		RT 10 BX 173 E	WACO 76708
* CHRISTIE, D & E		RT 3 BOX 173	HICO 76457
* CITY OF DALLAS	DALLAS ZOO	621 E CLARENDON DR	DALLAS 75203
* CITY OF EL PASO	EL PASO ZOOL. PARK	CITY-COUNTY BLDG.	EL PASO 79905
* CITY OF GAINESVILLE	FRANK BUCK MEMORIAL ZOO	PO DRAWER J	GAINESVILLE 76240
* CITY OF HOUSTON	HOUSTON ZOOL. GARDENS	PO BOX 1562	HOUSTON 77001
* CITY OF LUFKIN	ELLEN TROUT PARK ZOO	PO BOX 190	LUFKIN 75901
* CRAWFORD, RC	SLATON ZOO	107 N 9TH	SLATON 79364
* FINLAY, GM		BOX 237	SAN MARCOS 78666
* FT WORTH ZOOL PK		2727 ZOOL PK DR	FORT WORTH 76110
* GLADYS PORTER ZOO		500 RINGGOLD ST	BROWNSVILLE 78520
* HALL, J		RT. 3 BOX 762	MESQUITE 75149
* HIX, RW & MORRON, FM	THE BELL COUNTY ZOO	RT 4 BOX 4384T	BELTON 76513
* JOHANN, PH	DIXIANA CIRCUS	5380 WILSHIRE	BEAUMONT 77703
* JUNGLE WONDERS CIRCUS		PO BOX 988	ALAMO 78516
* LYNCH, C	GATOR'S ISLAND	STAR RT 1 BOX 624 A	ROCKPORT 78382
* MACDONALD, M & P		13645 IH 35 NORTH	SAN ANTONIO 78233
* MANTZEL, T	WATERFALL RANCH	2500 FT WORTH NATIONAL BANK B LDG	FT WORTH 76102
* MCCARTY, M		4401 WILDWOOD RD.	DALLAS 75209
* MORRON, JE		5405 EAST BELKNAP	HALTOM CITY 76117
* RAGEN, WS		GENERAL DELIVERY	GAINESVILLE 76240
* RAY, G & BAKER, S	CHECKERS & PATCHES CIRCUS CLOWNS	4800 KELLY ELLIOT RD.	ARLINGTON 76017
* SAN ANTONIO ZOOLOG SOC	SAN ANTONIO ZOO GARAG	3903 N ST MARY'S ST	SAN ANTONIO 78212
* SEA ARAMA MARINEWORLD		PO BOX 3068	GALVESTON 77551
* SOUTH TEXAS ZOOLOGICAL SOCIETY	TEXAS ZOO	110 MEMORIAL DR	VICTORIA 77901
* SPRING LAKE PARK ZOO		PO BOX 1967	TEXARKANA 75501
* SPRINGDAY SIMIAN/AVIAN SNT INC		PO BOX 2830	TEXARKANA 75501
* T.R.LEASE INTERNATIONAL, INC.	COUGARS UNLIMITED	PO BOX 13611	ARLINGTON 76013
* TESKA, J & B	SNAKE FARM	RT 6 BOX 487	NEW BRAUNFELS 78130
* TOWN OF PECOS CITY		PO BOX 929	PECOS 79772
* WALKER, WE	ZOOLAND PETTING ZOO	PO BOX 3704	ODESSA 79760
* WILD ANIMAL INTERNATIONAL		RT 5 BOX 22	BRYAN 77801

UTAH
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ADANAC FILM PROD LTD		BOX 240	OAKLEY 84055
* CITY OF LOGAN	WILLOW PARK ZOO	61 WEST FIRST NORTH	LOGAN 84321
* GLEDHILL, J	BIG ROCK CANDY MT RESORT		MARYSVALE 84750
* HOGLE ZOOLOGICAL GARDEN		PO BOX 8475	SALT LAKE CITY 84108
* LAGOON CORP	WILD KINGDOM TRAIN	PO BOX N	FARMINGTON 84025
* ROGERS, L			THOMPSON 84540
* SEUS, D & L	WASATCH WILDLIFE	RFD 1 BOX 558	HEBER CITY 84032
* UTAH ZOOLOGICAL SOCIETY	TRACY AVIARY	PO BOX 8475	SALT LAKE CITY 84108

VERMONT
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SANTA'S LAND INC.		RT 5	PUTNEY 05346
* TRUSTEES, VT VETS HOME		325 NORTH ST	BENNINGTON 05201

VIRGINIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CHILDRESS, FB	SNAKE & MONKEY FARM	ROUTE 1, BOX 214	NEW MARKET 22844
* CITY OF HAMPTON	BLUE BIRD GAP FARM	DEPT. OF PARKS	HAMPTON 23669
* CITY OF NORFOLK	LAFAYETTE ZOOLOGICAL PARK	3500 GRANBY ST	NORFOLK 23501
* CITY OF STAUNTON		P.O. BOX 58	STAUNTON 24401
* G.A. COLEMAN CO. INC		916 MAIN ST	LYNCHBURG 24505
* KINGS DOMINION		RFD 166	DOSWELL 23047
* MARTIN, JR		8725 COMMODORE DR.	NORFOLK 23503
* MAYMONT FOUNDATION		1700 HAMPTON ST	RICHMOND 23220
* MILL MOUNTAIN ZOO, INC.	MILL MOUNTAIN PARK	PO BOX 13484	ROANOKE 24034
* MITCHELL, SH	CIRCLE M ZOO	RT 2	MEADOWS OF DAN 24120
* NATURAL BRIDGE ZOOL. PARK		BOX 117	NATURAL BRIDGE 24578
* PENINSULA NATURE & SCI. C TR.		524 J CLYDE MORRIS BLVD.	NEWPORT NEWS 23601
* PET-A-PET FARM PARK INC		1228 HUNTER MILL RD.	VIENNA 22180
* WALTERMYER, BP	ALL STAR ANIMAL ATTRACTIONS	PO BOX 142	TROUTVILLE 24175
* WILSON, R	WILSON'S PET FARM	RT 1 BOX 272-A	WINCHESTER 22601

WASHINGTON
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* B & I REALTY CO.		8012 SO TACOMA WAY	TACOMA 98499
* BETTS, B	ENCHANTED VILLAGE	36201 KIT CORNER RD. S.	FEDERAL WAY 98003
* DAILY, MM		N 7120 SMITH	SPOKANE 99207
* LORD WOLF FOUNDATION	LORD LAND USA	PO BOX 344	GARDINER 98334
* METRO PARK DIST TACOMA	POINT DEFIANCE ZOO	POINT DEFIANCE PK	TACOMA 98407
* NIEMELA, A		RT. 3 BOX 903-A	SEQUIM 98382
* NORTHWEST TREK		C/O ROGER THACKER	EATONVILLE 98328
* PEDERSEN, D		PO BOX 26-240TH E.	GRAHAM 98338
* WOODLAND PARK ZOOL. GARDE NS		5500 PHINNEY AVE N	SEATTLE 98103

WEST VIRGINIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CROSIER, JM	HAWKS NEST ZOO	RT. 60	ANSTEAD 25812
* RIDER, JR, JW	PONDEROSA ZOO	RT 2 BOX 148	RAINELLE 25962
* WHEELING PARK COMMISSION	THE GOOD ZOO	OGLEBAY PARK	WHEELING 26003

WISCONSIN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ASHBECK, AR	HILLTOP SUPPER CLUB	RT 1	WABENO 54566
* BLOM, ME & YM	FINN'S INN DEER FARM	RT 2 BOX 273F	LADYSMITH 54848
* CARLINO, JR, CJ	CARLINO'S 82	RT 2	OXFORD 53952
* CARSON INTERNATIONAL INC	HONEY BEAR FARM		POWERS LAKE 53159
* CHEVRIER, JR., WJ	WALLY'S BAIT SHOP	RT 5 BOX 45	CHIPPEWA FALLS 54729
* CITY OF BARABOO	OCHSNER PARK	903 PARK ST	BARABOO 53913
* CITY OF CHIPPEWA FALLS	IRVINE PARK ZOO	JEFFERSON AVE	CHIPPEWA FALLS 54729
* CITY OF FOND DU LAC	LAKESIDE PARK ZOO	76 EAST 2ND ST	FOND DU LAC 54935
* CITY OF MARSHFIELD	WILDWOOD PARK & ZOO	112 E 2ND ST	MARSHFIELD 54449
* CITY OF OSHKOSH	MENOMINEE PARK	215 CHURCH AVE	OSHKOSH 54901
* CITY OF RACINE	RACINE ZOOLOGICAL PARK	CITY HALL ANNEX 800 CENTER ST	RACINE 53403
* CITY OF WI RAPIDS MUN. ZO O		211-12TH AVE SOUTH	WISCONSIN RAPIDS 54494
* DAVID A. HELLMAN FOUND. I NC.	RANCH PETTING ZOO	PO BOX 502	MENOMONEE FALLS 53051
* FAWN-DOE-ROSA		BOX 328	ST. CROIX FALLS 54024
* FRANZEN N		RT 1, BOX 195	RIPON 54971
* HAZEN, V	TUNDRA SO. WILDLIFE PARK	RT. 3 BOX 520	POYNETTE 53955
* HENRY VILAS PARK ZOO		702 S. RANDALL AVE.	MADISON 53715
* HINDERHOLTZ, M & PFEIL, J R, R		RT. 1 BOX 231	GLEN FLORA 54526
* ISENRING, L&D	BLACKHAWK RIDGE	BOX 92	SAUK CITY 53583
* JO-DON FARMS INC		1834 E OAKWOOD ROAD	OAK CREEK 53154
* JOHNSON, LO	A & W RESTAURANT	423 MARTIN AVE.	HARTLAND 53029
* KREMSREITER, N	WARBONNET ZOO & GIFT SHOP INC	STAR RT BOX 69	HAZELHURST 54531
* LAYMAN, H&S & FLESCH, C	BAMBI LAND	BOX 475	MERCER 54547
* MILWAUKEE COUNTY ZOO		10001 WEST BLUEMOUND RD	MILWAUKEE 53226
* P.A.W.S.		PO BOX 121	NEW BERLIN 53151
* TAYLOR, R			EARL 54833
* TIMBERWOLF FARM'S FOUND. INC		6669 SOUTH 76TH ST	GREENDALE 53129
* WEISER, A		RT 3	HAYWARD 54843
* WEST SALEM ROD & GUN CLUB	LA CROSSE CO. FARM		WEST SALEM 54669
* WILKINSON GIFT SHOP INC			WASCOTT 54890

PUERTO RICO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AMADOR, FJ	EL ARCA DE NOE	BOX 94	QUEBRADILLAS 00742
* CONGREGACION MITA, INC		235 DUARTE ST	HATO REY 00917
* ESTADO LIBRE ASOCIADO DE P. R.	JARDIN ZOOLOGICO DE P. R.	C/O COMPANIA DE FOMENTO REC.	MAYAQUEZ 00708
* FAMILANDIA INC		PO BOX 633	YAUCO 00768
* HERNANDEZ, JV	MINI-ZOO	C/O M. GOMEZ PO BOX 171	MOCA 00716
* LEONELLI, RD	KIMBA SHOW	905 ALONDRA ST	RIO PIEDRAS 00924
* MARCAN, CR		818 13TH AVE	GREEN BAY 54304
* ROSADO, FV	MINIPARQUE DAKTARI	BUZON H-32	JAYUYA 00664
* SAFARI PARK INC		BOX 777	BAYAMON 00619
* TOMMY MUNIZ PROD.		BOX 8302	SANTURCE 00910

[FR Doc. 79-9097 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-34-C

federal register

Tuesday
April 3, 1979

Part IV

Department of Agriculture

Animal and Plant Health Inspection Service

Animal Welfare

List of Registered Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Welfare; List of Registered Exhibitors

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are registered under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 21st day of March 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALASKA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALASKA CHILDREN'S ZOO		BOX 17308 STAR ROUTE	ANCHORAGE 99507
* BROWN, JR., LT		3001 MOUNTAINVIEW DR.	ANCHORAGE 99503
* CITY OF FAIRBANKS		POB 790	FAIRBANKS 99707

ARKANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* HALLIE'S		FO BOX 303	CLINTON 72031

CALIFORNIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* COUNTY OF LOS ANGELES		DEPT. OF PARKS & RECREATIONS	LOS ANGELES 90015
		155 W WASHINGTON BLVD.	

COLORADO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF ENGLEWOOD	BELLEVIEW PARK	DEPT OF PARKS & RECREATION R3 400 S ELATI	ENGLEWOOD 80110
* CITY OF PUEBLO		PARKS & RECREATION DEPT. CITY PARK PAVILION	PUEBLO 81005
* DRAKE, D	ANIMAL WORLD	333 6TH ST.	PENROSE 81240
* ENGEL, HJ		BOX 323	WRAY 80758
* ERNEST'S TAXIDERMY		ROUTE 3 BOX 62	MONTE VISTA 81144
* JUDISH, AL & LE	SANTA'S SUMMER HOME	3RD AVE & HOVER RD	LONGMONT 80501
* KROHN, JC	THE FORT	SR BOX 20AA	MORRISON 80465
* LA CHAUMIERE FRENCH RESTAURANT		PINEWOOD SPRINGS	LYONS 80540
* LA FRANCE RESTAURANT, INC.		BOX 2217	DILLON 80435
* NATIONAL PARK VILLAGE		4600 FALL RIVER RD.	ESTES PARK 80517
* POIRIER, H	WAGON WHEEL RANCH	BOX 526	DELTA 81416
* SANTA'S WORKSHOP			NORTH POLE 80901

FLORIDA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MILLER, PROFESSO R		2364 FRUITVILLE ROAD	SARASOTA 33577
* SARASOTA JUNGLE GARDENS		3701 BAYSHORE RD	SARASOTA 33580
* SEMINOLE IND VIL & CRFTS ENT		6073 STERLING RD	HOLLYWOOD 33024
* SWAMPARIUM		RT 5 BOX 39	CANTONMENT 32533

GEORGIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BUCKNER, G		PO BOX 73	JONESBORO 30237
* CITY OF ATHENS	MEMORIAL PARK	RECREATION & PARKS DEPT	ATHENS 30601
* GEORGIA CUMBERLAND ASSOCIATION		PO BOX 12000	CALHOUN 30701
* KETCHAM, LE		BOX 60A RT 3	WOODSTOCK 30188
* OKEFENOKEE ASSOCIATION, INC.	OKEFENOKEE SWAMP PACK		OKEFENOKEE 31501
* SCHLEENTZ, OR		PO BOX 1712	VALDOSTA 31601
* SIX FLAGS OVER GEORGIA		PO BOX 43187	ATLANTA 30336

IDAHO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* WILD WILD WEST, INC.		ROUTE #7	CALDWELL 83605
* Y-J FOODS INC		BOX 357	COEUR D'ALENE 83814

ILLINOIS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ILLINOIS DEPARTMENT OF CONSERVATION		602 STATE OFFICE BUILDING	SPRINGFIELD 62706
* SOCIAL DYNAMICS, INC.		2 S. 661 RT 53	GLEN ELLYN 60137
* STONE, LR		BOX 349 ROUTE 1	EAST MOLINE 61244

INDIANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* TRANSCONTINENTAL CIRCUS		2228 N. EDMONDSON	INDIANAPOLIS 46219

IOWA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BOARD OF PARK COMMISSIONERS	FEJERVORY PARK CHLDNS. ZOO	236 W CENTRAL PARK AVE	DAVENPORT 52803
* BUFFALO RANCH MUSEUM		310 LOVERS LANE	FAYETTE 52142
* CITY OF CEDAR RAPIDS	BEVER PARK MUNICIPAL ZOO	PARK DEPARTMENT CITY HALL	CEDAR RAPIDS 52401
* CITY OF FORT DODGE		PARK DEPT. 1450 OLESON PK AVE	FORT DODGE 50501
* CITY OF MASON CITY		PARK DEPT. 19 S. DELAWARE AVE	MASON CITY 50401
* IOWA STATE CONSERVATION COMM		WILDLIFE EXHIBIT STATON	BOONE 50036
* OSBORNE CONSERVATION CENTER			ELKADER 52043
* POLK COUNTY CONSERVATION BOARD	JESTER PARK		GRANGER 50109

KANSAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BEAR HOUSE TRUCK STOP, INC.			BUNKER HILL 67626
* BOARD OF PARK COMMISSIONERS	CENTRAL RIVERSIDE PARK	503 CITY BLDG ANNEX,104 S MAIN	WICHITA 67202
* CITY OF ST. MARYS			ST. MARYS 66536
* DODGE CITY WRIGHT PARK ZOO			DODGE CITY 67801
* MARKLEY, JE			SENECA 66538
* NOEL, F	NOFL'S SPECIALTY ACTS	RR #2 BOX 507	MULVANE 67110
* OLD ABILENE TOWN, INC.		BOX 438	ABILENE 67410
* RURO'S MINT ZOO		LEAVENWORTH 66048	LEAVENWORTH 66408
* STIMAX, M & W		PO BOX 442	ARKANSAS CITY 67005

KENTUCKY
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* GARVIN, C.	BEECH BAND PARK		BOWLING GREEN 42101
* ISSAC W. BERNHEIM FOUNDATION		BERNHEIM FORREST	CLERMONT 40110
* MAMMOTH ONYX CAVE		BOX 527	HORSE CAVE 42749
* OTTER CREEK PARK			VINEGROVE 40175

LOUISIANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALFRED BONNABEL HIGH SCHOOL		BRUIN DR.	METAIRIE 70003
* PLAYLAND AMUSEMENTS, INC.		PONTCHARTRAIN BEACH	NEW ORLEANS 70122
* SNAKE FARM		PO BOX 96	LA PLACE 70068

MARYLAND
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* DYKES BROS. ATTRACTION		MERRITT MILL RD	SALISBURY 21801
* JACKSON, HL	TRADE LEE'S VILLAGE	RT.50	W OCEAN CITY 21842
* MARJEC, INC	SHAWNEE-LAND		OLNEY 20832

MASSACHUSETTS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* EASTOVER FARM		EAST STREET	LENOX 01240

MICHIGAN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BELLE ISLE NATURE CTR.		BELLE ISLE PARK	DETROIT 48207
* BINDER PARK ZOOLOGICAL SOCIETY, INC.		7500 DIVISION DR	BATTLE CREEK 49017
* BITELY, G	BIRCH SHORES RESORT	R 1	MCMILLAN 49853
* BLAHNICK, JR., HJ	GARGAGE & HATCHERY		CARNEY 49812
* CARL G. FENNER ARBORETUM		2020 E. MT. HOPE	LANSING 48910
* CEDERBERG, EH	DEER ACRES, INC.	2093 COGGINS RD	PINCONNING 48650
* CITY OF MIDLAND	CURRIE-WILSON ENTERPRISES, INC	PO BOX 227	MIDLAND 48640
* CITY OF MT. PLEASANT	NELSON PARK ZOO	120 S. UNIVERSITY	MT. PLEASANT 48858
* CLAERHOUT, E. & SCHUSTER, M.	EMIL THE BUFFALO	8887 GRATIOT RD	RICHMOND 48062
* CLINCH PARK ZOO		GRAND VIEW PKWY.	TRAVERSE CITY 49684
* CLOUGH, L&J	EVERGREEN RESORT	R 2,M-65	HALE 48736
* DICKEY, DL	PINE RIDGE AMUSEMENT	7784 MAIN ST.	BIRCH RUN 48415
* DRAYTON PLAINS NATURE CENTER, INC.		2125 DENBY DR	DRAYTON 48020
* EDISON INSTITUTE	GREENFIELD VILLAGE		DEARBORN 48121
* ELM REST SERVICE		1507 S LAKE MITCHELL DR.	ADILLAC 49601
* ERICKSON, S		R 2, BOX 2334	GRAYLING 49738
* FINLEY, M	LONGHORN RANCH	7684-25 MILE ROAD	WASHINGTON 48094
* FLATH, J	DELLS SUPPER CLUB		ESCANABA 49837
* GREENWOOD ACRES		2401 HILTON RD RT 2	JACKSON 49201
* HAFEMAN, R		R 2 BOX 75	WALLACE 49893
* HARRINGTON, TN	DEER RANCH	238 N. STATE	ST. IGNACE 49781
* HERSON, K		RT 1 BOX 139	WALLACE 49893
* HINES, I		RT 2,1781 COLDWATER RD	MT. PLEASANT 48858
* HOLBROOK, S	GERMFASK 49836	R 1	GERMFASK 49836
* HOUSEMAN, HR		RT 1 BOX 43	STEPHENSON 49887
* HUMAN SOIETY OF MACOMB CO		11350-22 MILE RD	UTICA 48087
* INDUSTRIAL MUTUAL ASSN	I.M.A. CHILDRENS FARM	901 E. SECOND ST	FLINT 48503
* IRON MOUNTAIN CITY PARK		A&B STS.	IRON MOUNTAIN 49801
* JENSEN, RJ		R 1	POWERS 49874
* JOHN HENES PARK		202 HENES PARK DR	MENOMINEE 49858
* JOHNSON, RM	JOHNNY'S FISH & GAME PARK	5511 E. 46 1/2 RD	CADILLAC 49601
* KALAMAZOO NATURE CENTER		7000 N. WESTNEDGE	KALAMAZOO 49007
* KING ANIMALAND PARK, INC.		62000 GRATIOT AVE.	RICHMOND 48062
* LOFTIS, AUDREY LEE	MENAGERIE MANOR ANIMAL PARK	14140 WORDEN RD	GREGORY 48137
* MAY, H		394 CAMBRIA RD	HILLSDALE 49242
* MAYER, WG		7606 HIX RD	WESTLAND 48185
* MERCIER, FR	SANTA'S GIFT SHOP	BOX 75	MUNISING 49862
* MOTT FARM PROGRAM		66140 BRAY RD	FLINT 48505
* N.E. ISAACSON OF MICHIGAN, INC.		5477 SUGAR RIVER RD	GLADWIN 48624
* NANKIN MILLS NATURE CENTER		33175 ANN ARBOR TRAIL	WESTLAND 48185
* NEWLIN, G		PO BOX 1	WALLACE 49893
* OGEMAW GAME REFUGE	TEN LAKES SPORTSMEN CLUB	5626 W. ROSE CITY RD.	WEST BRANCH 48661
* PALMER, B	PRESQUE ISLE PARK ZOO	PRESQUE ISLE PARK	MARQUETTE 49855
* PEEBLES, G		18810 CARDONI	DETROIT 48203
* PICLNET, N	NORM'S BALD MOUNTAIN RIDING STABLE	3085 S. LAPEER RD.	PONTIAC 48057

MICHIGAN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* PLESSCHER, R		ROUTE 1	MCMILLAN 49853
* POTTER PARK ZOO		1301 S. PENN. AVE.	LANSING 48933
* QUAS, G	BAMBI PARK	PO BOX 215	IRON MOUNTIAN 49801
* RICE, E		539 GOLF RD	LAPEER 48446
* SAGINAW CHILDREN'S ZOO		1694 S WASHINGTON	SAGINAW 48601
* SCIDMORE PARK			THREE RIVERS 49093
* SMITH, C		PO BOX 204	BALDWIN 49304
* SPICKERMAN, H		R 1	ROSE BUSH 48878
* STEELE, D&S	ANIMAL LAND	BATTERSON RD.	FREDERIC 49733
* STEPHENS, YR	YVONNE AND HER FRIENDS	BOX 37	WILLIAMSBURG 49690
* TESCH, H	LENAWEE INSTITUTE	3046 SUTTON RD	ADRION 49221
* WAFFLE, EJ		2416 ALDRICH RD	TEKONSHA 49092
* WALTON, W&J	ANIMAL WORLD	8619 S TRAVERSE RD	KINGSLEY 49649
* WALTZ, DR		625 LINWOOD BCH. RD.	LINWOOD 48634
* WESTRA, JC	ANIMAL KINGDOM WILDLIFE REFUGE	9320 S DIVISION	BYRON CENTER 49315
* WILDER, D	WHOOPER BOWL	9580 DIXIE HWY.	CLARKTON 48016

MINNESOTA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALEXANDRIA DEER PARK		RT 4	ALEXANDRIA 56308
* ANDERSON, AE	HIWAY TRADING POST		HACKENSACK 56452
* BLUE MOUND INN			LUVERNE 56156
* BRAINERD BAXTER CORP.	PAUL BUNYAN AMUSEMENT CENTER	BOX 563	BRAINERD 56401
* BUFFALO HOUSE		2500 GUSS RD.	DULUTH 55810
* CITY OF MANKATO		202 E JACKSON	MANKATO 56001
* CITY PARK BOARD	RAMSEY PARK ZOO	207 E FOURTH	REDWOOD FALLS 56283
* COUGARVILLE CASTLE			QUAMBA 55064
* DEER TOWN, INC.		HWY 71 NO.	PARK RAPIDS 56470
* DULUTH ZOO		7210 FREMONT ST.	DULUTH 55807
* FORT DETROIT		PO BOX 66	DETROIT LAKES 56501
* GOPHER CAMPFIRE CLUB		122 N MAIN ST.	HUTCHINSON 55350
* HANSEN WT	ANIMAL ACRES ZOO	RR 3 BOX 203	WADENA 56482
* HAUGHLAND, V	IKE'S CHICKEN SHACK		BROWNS VALLEY 56219
* HIMES, RL	TRAPPER HIMES WILD ANIMAL FARM		RAY 56669
* JAEGERS, SW		RR #1	BUFFALO 55314
* NELSON, T		R #2	ST. PETER 56082
* OBERLE, D			COMFREY 56019
* OHLGREN, EJ	LI'L ACORN DEER PARK	R 2	CLEAR LAKE 55319
* OLMSTED COUNTY PARK & REC . DIVN.	OXBOW PARK WILDLIFE EXHIBIT	1421-3RD AVE. S.E.	ROCHESTER 55901
* OSANDER, P	SCHMIDT CIRCUS	RR 1	DALTON 56324
* PINE GROVE PARK	MUNICIPAL ZOO	727-3RD ST. NE	LITTLE FALLS 56345
* SHEPPARD, D	SPLIT ROCK TRADING	510 WILSON AVE. N.E.	ST. CLOUD 56301
* ST. PAUL'S COMO ZOO			ST. PAUL 55103
* THE FARM SUPPER CLUB, INC .		RR 4	PRINCETON 55371
* VILLAGE OF LE CENTER		21 N. LEXINGTON	LE CENTER 56057
* VILLAGE OF WADENA	SUNNYBROOK PARK	BOX 30	WADENA 56482
* VIRGINIA PARK COMMISSION		OLCOTT PARK	VIRGINIA 55792
* WALL BROS.			COMFREY 56019

MISSISSIPPI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MCWILLIAMS, FC		ROUTE 1, BOX 108	PICAYUNE 39466

MISSOURI
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* GOLD NUGGET JUNCTION			OSAGE BEACH 65065
* JACKSON CO. DEPT. OF PARKS & RECREATION	LAKE JACOMO PARK	RT. 2, BOX 408	BLUE SPRINGS 64015
* JONES, JW	BUENA VISTA'S EXOTIC ANIMAL PARADISE	R 1	STRAFFORD 65757
* MAX ALLEN'S ZOOLOGICAL GARDENS		US 54 S	ELDON 65026
* OZARK DEER FARM		ROUTE 3	ELDON 65026
* SILVER DOLLAR CITY			SILVER DOLLAR CITY 65616
* ST. LOUIS CO. PARKS DEPT.	LONE ELK PARK	1900 FORSYTH	ST. LOUIS 63105
* SZASZ, AB		RT 1	GERALD 63037

MONTANA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SVELSTAD, NELS			WISE RIVER 59762

NEBRASKA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MUNICIPAL ZOO		DEPT. OF PARKS & RECREATION, 1300 S. 27TH ST.	LINCOLN 68502
* RYAN, KP			BLAIR 66088

NEW MEXICO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF ALAMOGORDO		511-10TH ST.	ALAMOGORDO 88310
* CITY OF CLOVIS	HILLCREST & ZOO	PO BOX 760	CLOVIS 88101
* LIVING DESERT STATE PARK		BOX 1569	CARLSBAD 88220
* SPRING RIVER PARK & ZOO		CITY HALL	ROSWELL 88201

NEW YORK
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* LOLLYPOP FARM OF ROCHESTER & MONROE CO.		99 VICTOR RD	FAIRPORT 14450
* MEDEROS, A	ALFREDO COMEDY ACT	1710-2ND AVE., APT. 3	NEW YORK 10028

NORTH CAROLINA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CARRADO, JR., N.		PO BOX 894	CARTHAGE 28327
* CHARLOTTE NATURE MUSEUM, INC.		1658 STERLING RD.	CHARLOTTE 28209
* CITY OF GREENSBORO	COUNTY PARK ZOO & NATURAL SCIENCE CTR.	4301 LAWNDALE DR.	GREENSBORO 27408
* ENVIRONMENTAL ED., REC., & RES. CTR.		RT. 1, BOX 401	HIGH POINT 27260
* GRANDFATHER MOUNTAIN, INC.			LINVILLE 28646
* KIDDIE ZOO	GREENFIELD GARDENS	PO BOX 1810	WILMINGTON 28401
* MCADENVILLE FOUNDATION, INC.	AVIARY GARDENS		MCADENVILLE 28101
* NATIONAL RECREATION SERVICE, DIV. OF NATL. SERV. IND., INC.	FRONTIERLAND	PO BOX 307	SILVER SPRINGS 32688
* NORTH CAROLINA MUSEUM OF LIFE & SCIENCE		PO BOX 8177	DURHAM 27704

OHIO
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BEEBE, R		ROUTE 3	PATASKALA 43062
* CLARENCE FAFLIK SHOE STOR E		267242 GREAT NORTHERN	N OLMSTEAD 44070
* CLEVELAND MUSEUM OF NATUR AL HISTORY		WADE OVAL, UNIVERSITY CIRCLE	CLEVELAND 44106
* CLEVLAND, L.	CLELAND'S DEER ACRES	ROUTE #1	BAINBRIDGE 45612
* DAYTON MUSEUM OF NATURAL HIST		2629 RIDGE AVE	DAYTON 45414
* DIAMOND RANCH, INC.	WILD ANIMAL ZOO	1000 WARNER RD. S.E.	CANTON 44707
* ELYRIA PARKS & RECREATION DEPT.		1101 PROSPECT ST.	ELYRIA 44035
* FANTASY FARM		RT. 1	MIDDLETOWN 45052
* HINEY, KM		1034 HOME AVE.	AKRON 44310
* HUMBARGER, L		133 MCKIM ST.	BELLEVUE 44811
* KHOL, R	KHO_'S GAME FARM	30770 CANNON RD	SOLON 44139
* LAKE ERIE JUNIOR NATURE & SCIENCE CENTER		28728 WOLF RD.	CLEVELAND 44140
* MASINO, GA		13305 JAYNEVIEW AVE.	UNIONTOWN 44685
* NAFZIGER, DL		ROUTE 1, BOX 18	ARCHBOLD 43502
* SIEDEL'S FUN FARM, INC.		21897 WESTWOOD DR.	STRONGSVILLE 44136
* SINK, R.		38 JASPER ST.	DAYTON 45409
* THE CLEVELAND AQUARIUM		601 E. 72ND ST.	CLEVELAND 44103
* TWIN SHOE STORE		RICHMOND HGTS. SHOPPING CTR	RICHMOND HEIGHTS 44103
* UNIVERSAL PRINTING, INC.		1192 E. 40 ST.	CLEVELAND 44114
* WEIDNER, T		RT 1, WEIDNER'S CORNERS	BALTIMORE 43105
* WOHL SHOE CO.		8350 MARYLAND AVE.	LOUIS 63105
* WORK, RM & IS	NELSON LEDGE PARK 44231	R 2, BOX 292	GARRETTSVILLE 44231

OKLAHOMA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* SHEARER, WV		ROUTE 1	MOORLAND 73852
* THE FRANK PHILLIPS FOUNDA TION, INC.	WOOLAROC WILDLIFE REFUGE	402 PROFESSIONAL BLDG.	BARTLESVILLE 74003

SOUTH CAROLINA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ANIMAL FOREST		CHARLES TOWNE LANDING 1500 OL D TOWNE LANDING	CHARLESTOWN 29407
* BROOKGREEN GARDENS			MURRELLS INLET 29576
* CROMER'S P-NUTS, INC.	CROMER'S P-NUTS DUTCH SQUARE	PO BOX 163	COLUMBIA 29201
* GREENVILLE ZOO		CLEVELAND PARK DR.	GREENVILLE 29601
* SMITH, WC	WILSON'S TRUCK STOP		WINNSBORO 29180
* WALL, JA		116 CHESTER ST.	SPARTANBURG 29301

TEXAS
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* ALLEN, DW		PO BOX 971	DONNA 78537
* BAYLOR CHAMBER OF COMMERCE		BOX 225 UNION BLDG, BAYLOR UNIV.	WACO 76706
* CITY OF ANDREWS		MUNICIPAL ADM. BLDG	ANDREWS 79714
* CITY OF CHILDRESS		CITY HALL	CHILDRESS 79201
* CITY OF SINTON		PO BOX 1395	SINTON 78387
* CLARK, MR		RT. 5	MCKINNEY 75069
* CONNER, JH		804 ANTHONY ST.	GAINESVILLE 76240
* DODD, CE		5116 BOB DR.	FT. WORTH 76118
* DUKE, R.		RR 3, BOX 187	SEAGOVILLE 75159
* ENGESSER, GG		RT. 3, BOX 179	SEAGOVILLE 75159
* FT. WORTH MUSEUM OF SCIENCE & HISTORY		1501 MONTGOMERY ST	FORT WORTH 76107
* GIBBS, B		RT. 4, BOX 550	MISSION 78572
* HALL, CA		RT. 1, BOX 762	MESQUITE 75149
* HALL, JK		RT. 1, BOX 762	MESQUITE 75149
* HARMON, DR. R.		405-C PINECREST DR.	MARSHALL 75670
* INNER SPACE		HWY IH35-SOUTH	GEORGETOWN 78626
* JONES, MR		232 N. LBJ DR.	SAN MARCUS 78666
* LEMKE, J		4005 EAST RYAN RD	OAK CREEK 53154
* LUCIA, T.		RT. 3 BOX 154	WEATHERFORD 76086
* RICE, B		PO BOX 264 COMBINE RD.	SEAGOVILLE 75159
* SAPP, MI		27150 O'KENT	SAN ANTONIO 78216
* SMITH, J.A.H.		1960 PEAVEY RD.	DALLAS 75228
* STEELE, BR		BOX 179 HAYMARKET RD	SEAGOVILLE 75159
* STODGILL, TD	STODGILL'S RANCH	RT. 2	QUINLAN 75474
* UNIVERSITY OF HOUSTON		BOX 240 UNIV. CTR.	HOUSTON 77004
* WONDER WORLD		PO BOX 1369	SAN MARCOS 78666

VIRGINIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF NEWPORT NEWS		DEPT. OF RECREATION & PARKS, 2400 WASHINGTON AVE.	NEWPORT NEWS 23607

WASHINGTON
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* BERCHTOLD, EC		601 LANE RD.	WOODLAND 98674
* CITY OF CENTRALIA PARK DEPT.	FORT BORST PARK	CITY HALL	CENTRALIA 98531
* EVERETT PARK & RECREATION DEPT.		FOREST PARK	EVERETT 98203
* INLAND EMPIRE ZOOLOGICAL SOCIETY		BOX 14258	OPPORTUNITY 99214

WEST VIRGINIA
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* MEADOWS, ER		RT. 4, BOX 107	GRAFTON 26354

WISCONSIN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* AQUALAND, INC.			EPHRAIM 54211
* ARCADIA SPORTMAN'S CLUB			ARCADIA 54612
* BARTHMAN, VT		RT. 1	CLEAR LAKE 54005
* BAY BEACH WILDLIFE SANCTUARY		1660 E. SHORE DR.	GREEN BAY 54301
* BEHN, W		RT. 1	ANIWA 54408
* BILL'S LANDING DEER FARM		RT. 3	HAYWARD 54843
* BROWN COUNTY REFORESTATION CAMP		RT. 4	GREEN BAY 54301
* CIRCUS WORLD MUSEUM			BARABOO 53913
* CITY OF ASHLAND	PRENTICE PARK	PARK DEPT.	ASHLAND 54806
* CITY OF BLACK RIVER FALLS		BOX 229	BLACK RIVER 54615
* CITY OF BLAIR			BLAIR 54616
* CITY OF LACROSSE	MIRICK PARK ZOO		LACROSSE 54601
* CITY OF STANLEY			STANLEY 54768
* CLARK COUNTY HOSPITAL & HOME		RT 2, BOX X	OWEN 54460
* CONNOR FOREST INDUSTRIES		CAMP 5 FARM	LAONA 54541
* CORNFORD, MJ & AH		RR 1	RANDOLPH 53956
* DEER PARK ATHLETIC C. CLUB			DEER PARK 54007
* DUVAL, E		RT. 3	NEW AUBURN 54757
* EDGERTON CONSERVATION CLUB		BOX 13J, RT. 1	EDGERTON 53534
* FOREST COUNTY DEER FARM		COURT HOUSE	CRANDON 54533
* FOWLER, DC		ROUTE 2	TOMAH 54660
* GALLAGHER, J	BLACKHAWK CAMP GROUND	BOX 686	MILTON JCT. 53564
* GANNON'S BIRCHWOOD RESORT		R.R. 1	LODI 53555
* GE-CA-WA LODGE DEER FARM		BOX 117A	IRON RIVER 54847
* HORNER, E.		RT 1, BOX 36	WATERFORD 53105
* J.R. RANCH, INC.		RT. 1	HUDSON 54016
* JANESVILLE CONSERVATION CLUB		BOX 129	JANESVILLE 53545
* JOHNSON, AR		C/O TONY SMOHA	BARABOO 53913
* JUEDS, A		RT. 1	MARION 54950
* KAMPS, M		BOX 277	EAGLE RIVER 54521
* KLEVEN, D		RT. 1	BARONA 54870
* KLING, D		RT 1, BOX 169	MERRILLEN 54754
* LANGE, EP		1623 SAEMANN AVE.	SHEBOYGAN 53081
* LINCOLN PARK ZOO		736 REVERE DR.	MANITOWOC 54220
* LINK BROS. INC.			MINONG 54859
* LUDWIG BROS. INC.		S107 W. 16311 LOOMIS RD. RT 2	HALES CORNER 53130
* MAHLOCH, J	COTTONPATCH RESTAURANT	2003 LAKE DR.	SHAWANO 54166
* MENOMONIE LIONS CLUB GAME PARK			MENOMONIE 54751
* MILLER, JL	T.J.M. RANCH	RT 1	WEST BEND 53095
* MILLER, LW	THE OUTPOST	RT. 3	TOMAHAWK 54487
* MONTAG, EH		RT. 1	CHILI 54420
* NATTER, R.		3401 MILTON AVE.	JANESVILLE 53545
* NELSON, J		RT. 1	WABENO 54566
* NYGAARD, LA	KETTLES & ANIMAL FRIENDS	RT. 1, BOX 175A	WISCONSIN DELLS 53965
* P.-M. INC.			EAGLE RIVER 54521
* PECK, J	WILDWOOD WILDLIFE KINGDOM		MINOCQUA 54548

WISCONSIN
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* PLISKA, R&L		RR 1, BOX 279A	CUSTER 54423
* PORTAGE COUNTY PARK COMMISSION		COUNTY-CITY BLDG	STEVENS POINT 54481
* RADIES, RA		RT. 1	BIG FALLS 54950
* RANDALL, JV		C/O JOHN BATDORF, RT 1, BOX 73	RHINELANDER 54501
* SETCHELL, V			CHETEK 54728
* SHAY, WL		RT. 3	NEW RICHMOND 54017
* SIMPSON, W&M		RT. 4	WAUPACA 54981
* SOMMERS, RP		RT. 1	RANDOM LAKE 53075
* ST. CAMILLUS NOVITIATE		RR 2, BOX 220	BARABOO 53913
* STORYBOOK GARDENS		RT 1 BOX 135A	WISCONSIN DELLS 53965
* STREBLOW, R	CIRCLE R CAMPGROUND	5703 KNAPP ST. RD	OSHKOSH 54901
* TOLLAKSEN, R.		RT. 1, BOX 17	WISCONSIN DELLS 53965
* VAN DYKE, RH		RT. 3	NEW LONDON 54961
* VILLAGE OF SURING PARK			SURING 54174
* WALTERS, I			WHITELAKE 54491
* WEBER, E		STAR RT.	SAYNER 54560
* WELCH, F		LUGER ROUTE	PHILLIPS 54555
* WEST, E		RT 3	WAUPACA 54981
* WHITE BIRCH FISHERIES, INC.			BOULDER JCT. 54512
* WHITLEY, EK		STAR ROUTE	MANITOWISH WATERS 54545
* WILDERNESS WALK			HAYWARD 54843
* WILLE, G		RR 2, BOX 293	WAUPON 53963
* WISCONSIN DEPT. OF NATURAL RESOURCES		BOX 450	MADISON 53701
* WOODSIDE RANCH RESORT, INC.		RT. 3	MAUSTON 53948

WYOMING
02/15/79

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***			
* CITY OF CHEYENNE	LIONS PARK	CITY-COUNTY BLDG.	CHEYENNE 82001
* WIND RIVER RANCH			DUBOIS 82513

[FR Doc. 79-9098 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-34-C

federal register

Tuesday
April 3, 1979

Part V

Department of Agriculture

Animal and Plant Health Service

Animal Welfare

List of Registered Research Facilities

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Animal Welfare; List of Registered Research Facilities

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following research facilities are registered under said Act:

Note.—Asterisk denotes inactive registrant-research facilities that have suspended research activities but may resume research at a future time.

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 21st day of March 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

ALABAMA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	AUBURN UNIVERSTIY			AUBURN 36830
*	SOUTHERN RESEARCH INSTITUTE		2000 NINTH AVE. S.	BIRMINGHAM 35205
*	THE JIM DANDY CO.		P.O. BOX 10687	BIRMINGHAM 35202
*	THE UNIVERSITY OF ALABAMA		PO BOX 2846	UNIVERSITY 35486
*	TUSKEGEE INSTITUTE			TUSKEGEE 36088
*	UNIV. OF AL. IN BIRMINGHAM		1919 7TH AVE SOUTH	BIRMINGHAM 35233
*	UNIVERSITY OF SOUTH ALABAMA		307 GAILLARD BLVD.	MOBILE 36688

ALASKA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	UNIVERSITY OF ALASKA			COLLEGE 99701

ARIZONA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ARIZONA STATE UNIVERSITY			TEMPE 85281
*	ARMOUR-DIAL COMPANY		15101 N. SCOTTSDALE ROAD	SCOTTSDALE 85260
*	NORTHERN ARIZONA UNIVERSITY			FLAGSTAFF 86001
*	ST. JOSEPH'S HOSP & MED. CTR		350 W. THOMAS RD.	PHOENIX 85113
*	ST. LUKE'S HOSPITAL MED CTR		1820 E. POLK	PHOENIX 85006
*	UNIVERSITY OF ARIZONA			TUCSON 85721
*	W. L. GORE & ASSOCIATES, INC.		1505 N. FOURTH STR. BOX 1389	FLAGSTAFF 86002

ARKANSAS
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ANIMAL BEHAVIOR ENTRP. IN C		RT 6 BOX 368	HOT SPRINGS 71901
*	UNIVERSITY OF ARKANSAS			FAYETTEVILLE 72701

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ALLERGAN PHARMACEUTICALS		2525 DUPONT DR.	IRVINE 92664
*	ALPHA GAMMA LABS		160 E. MONTACITO AVE.	SIERRA MADRE 91024
*	ALPHA THERAPEUTIC CORP		5555 VALLEY BLVD	LOS ANGELES 90032
*	ALZA CORPORATION		950 PAGE MILL RD.	PALO ALTO 94304
*	APPLIED BIO. SCI. LAB., INC		6320 SAN FERNANDO RD	GLENDALE 91201
*	BARLOW HOSPITAL		2000 STADIUM WAY	LOS ANGELES 90026
*	BARNES-HIND PHARMACY, INC.		895 KIFER RD.	SUNNYVALE 94086
*	BECKMAN INSTRUMENTS, INC.		2041 E. LAMBERT RD.	LA HABRA 90631
*	BENTLEY LABORATORIES, INC.		17502 ARMSTRONG AVE.	IRVINE 92705
*	BIO-RAD LABORATORIES		2200 WRIGHT AVE.	RICHMOND 94804
*	BIO-SCIENCE LABORATORIES		7600 TYRONE AVE.	VAN NUYS 91405
*	BIO-TECHNICS LABS., INC.		1133 CRENSHAW BLVD.	LOS ANGELES 90019
*	BUREAU OF PUBLIC HEALTH LAB.		313 N. FIGUEROA ST.	LOS ANGELES 90012
*	C.R. DREW POST-GRAD MED. SCH		1621 E. 120TH ST.	LOS ANGELES 90059
*	CALBIOCHEM		PO BOX 12087	SAN DIEGO 92112
*	CALIFORNIA INSTITUTE OF TECH.		1201 E CALFI. BLVD.	PASADENA 91125
*	CALIFORNIA STATE COLLEGES		5670 WILSHIRE BLVD.	LOS ANGELES 90036
*	CEDARS-SINAI MEDICAL CENTER		8720 BEVERLY BLVD.	LOS ANGELES 90048
*	CHILDREN'S HOSP MEDICAL CTR.		51ST & GROVE STREETS	OAKLAND 94609
*	CHILDRENS HOSP OF LOS ANGELES		4650 SUNSET BLVD.	LOS ANGELES 90027
*	CHLDNS HOSP OF SAN FRANCISCO		P.O. BOX 3805	SAN FRANCISCO 94119
*	CITY OF HOPE MEDICAL CENTER		1500 E. DUARTE RD.	DUARTE 91010
*	CLAREMONT MEN'S COLLEGE		11TH & DARTMOUTH AVES	CLAREMONT 91711
*	CLINICAL IMMUNO-DIAGS., INC		1378-D LOGAN AVE.	COSTA MESA 92626
*	CLMG, INC.		679 SO. WESTLAKE AVE.	LOS ANGELES 90057
*	COMPTON COMMUNITY COLLEGE		1111 E. ARTESIA BLVD	COMPTON 90221
*	CONSUMNES RIVER COLLEGE		8401 CENTER PARKWAY	SACRAMENTO 95823
*	COOPER LABORATORIES INC		455 EAST MIDDLEFIELD RD	MOUNTAIN VIEW 94043
*	COUNTY OF SAN DIEGO		5555 OVERLAND AVE BLDG. 4	SAN DIEGO 92123
*	CRYOVITA LABS.		UNIT #304 4030 N. PALM ST.	FULLERTON 90242
*	CUTTER LABORATORIES, INC.		4TH & PARKER STS.	BERKELEY 94710
*	DIAGNOSTIC DATE, INC.		518 LOGUE AVE	MOUNTAIN VIEW 94043
*	DYNAPOL		1454 PAGE MILL RD.	PALO ALTO 94304
*	EDWARDS LABS		17221 RED HILL AVE.	SANTA ANA 92705
*	EMERY CANCER RESEARCH FUND		615 S. WESTLAKE AVE.	LOS ANGELES 90057
*	ENDOCRINE SCIENCES		18418 OXNARD ST.	TARZANA 91356
*	ESTELLE DOHENY EYE FOUNDATION		1355 SAN PABLO ST.	LOS ANGELES 90033
*	FOOTHILL COLLEGE		12345 EL MONTE RD.	LOS ALTOS HILLS 94022

CALIFORNIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	GIBBONS & GALLINACEOUS BD CTR		BOX 93	CHATSWORTH 91311
*	GROSSMONT COMMUNITY COLLEGE		8800 GROSSMONT COLLEGE DR.	EL CAJON 92020
*	HANCOCK LABORATORIES, INC.		4633 E. LA PALMA AVE.	ANAHEIM 92807
* X	HOAG MEM. PRESBYTERIAN HOSP.		301 NEWPORT BLVD	NEWPORT BEACH 92660
*	HOLLYWOOD PRESBYTERIAN HOSPITAL		1322 N. VERMONT AVE.	LOS ANGELES 90027
*	HUNTINGTON INST/APLD MED RES		734 FAIRMOUNT AVE.	PASADENA 91105
*	INST MED/RES SANTA CLARA CO		751 S. BASCOM AVE.	SAN JOSE 95128
*	INSTITUTE OF MEDICAL SCIENCES		2200 WEBSTER ST., RM 310	SAN FRANCISCO 94115
*	INTER SCIENCE INST.		2000 COTNER AVE.	LOS ANGELES 90025
*	INTERNATIONAL MED SYSTEMS LTD		1886 SANTA ANITA AVE.	SOUTH EL MONTE 91733
*	IRVINE EYE INSTITUTE		19722 JAMBOREE BLVD.	IRVINE 92715
*	JANUS LABS.		PO BOX 20269	EL CAJON 92021
*	KAISER FOUNDATION HOSPITALS		ORDWAY BLDG.	OAKLAND 94666
*	KEARLEY, D.V.M., EDWARD O.		690 QUINCY RD.	TURLOCK 95380
*	L. PAULING INST. OF SCI & MED		2700 SAND HILL RD.	MENLO PARK 94025
*	L.A. COUNTY HARBOR GEN. HOSP.		1000 W. CARSON ST.	TORRANCE 90509
* X	LA VERNE COLLEGE		1950 THIRD ST.	LA VERNE 91750
*	LEE PHARMACEUTICALS		1444 SANTA ANITA AV.	SOUTH EL MONTE 91733
*	LITTLE, JF	FELINE HOME STUDIES	4640 OLNEY ST	SAN DIEGO 92109
*	LOMA LINDA UNIVERSITY			LOMA LINDA 92354
*	LOS ANGELES PIERCE COLLEGE		6201 WINNETKA BLVD.	WOODLAND HILLS 96413
*	LOYOLA UNIVERSITY		7101 W 80TH ST.	LOS ANGELES 90045
*	MCGAW LABS.		2525 MCGAW AVE	SANTA ANA 92711
*	MEDI-PHYSICS, INC.		5855 CHRISTIE AVE.	EMERYSVILLE 94608
*	MEMORIAL HOSP. OF LONG BEACH		2801 ATLANTIC AVE.	LONG BEACH 90806
*	MERCY SAN JUAN HOSPITAL		6501 COYLE AVE.	CARMICHAEL 95608
*	MONITOR SCIENCE CORP.		1598 MONROVIA AVE.	NEWPORT BEACH 92663
*	MOORPARK COLLEGE			MOORPARK 93021
*	MOUNT ZION HOSP. & MED. CTR		1600 DIVISADERO ST.	SAN FRANCISCO 94115
*	MT. SAN ANTONIO COLLEGE		1100 N. GRAND AVE.	WALNUT 91789
*	MURPHY, HOWARD F.		400 N. LA COSTA DR.	CARLSBAD 92008
*	N AMER SCI ASSOC OF CALF INC		1582 DERRE AVE	IRVINE 92714
*	NEWPORT PHARM. INTL., INC.		1590 MONROVIA BLVD.	NEWPORT BEACH 92660
*	NICHOLS INST./ENDOCRINOLOGY		1300 S. BEACON ST	SAN PEDRO 90731

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	NUTRILITE PRODUCTS, INC.		19600 6TH ST.	LAKEVIEW 92353
*	OCCIDENTAL COLLEGE		1600 CAMPUS RD.	LOS ANGELES 90041
*	OLIVE VIEW HOSPITAL		14445 OLIVE VIEW DRIVE	SYLMAR 91342
*	PALO ALTO MED. RES. FOUND.		860 BRYANT ST.	PALO ALTO 94301
*	PASADENA CITY COLLEGE		1570 E. COLORADO BLVD.	PASADENA 91106
*	PASADENA FOUND./MEDICAL RES.		99 N. EL MOLINO AVE.	PASADENA 91101
*	PHARMASEAL LABORATORIES		4401 FOXDALE AVE.	IRWINDALE 91706
*	POMONA COLLEGE			CLAREMONT 91711
*	RADIOASSAY SYSTEMS LAB., INC.		1511 E. DEL AMO BLVD.	CARSON 90746
*	RANCHO LOS AMIGOS HOSP. INC.		7413 GOLONDRINAS ST.	DOWNEY 90242
*	RANCHO SANTIAGO COMM COL DIST		17TH ST AT BRISTOL	SANTA ANA 92706
* X	REDKEN LABORATORIES, INC.		14721 CALIFA ST.	VAN NUYS 91401
*	SALK INST. FOR BIO. STUDIES		PO BOX 1809	SAN DIEGO 92112
*	SAN BERNARDINO VALLEY COLLEGE		701 SO. MT. VERNON AVE.	SAN BERNARDINO 92403
* X	SAN DIEGO BIO-MED. RES. INST.		2602-1ST AVE. RM 104	SAN DIEGO 92103
*	SAN DIEGO MESA COLLEGE		7250 MESA COLLEGE DR.	SAN DIEGO 92111
*	SAN DIEGUITO ANIMAL CARE CTR.		PO BOX 64	RANCHO SANTE FE 92067
*	SANSUM CLINIC RES. FOUND.		2219 BATH ST.	SANTA BARBARA 93102
* X	SANTA BARBARA CITY COLLEGE		721 CLIFF DR.	SANTA BARBARA 93109
*	SCRIPPS CLINIC & RES. FOUND.		476 PROSPECT ST.	LA JOLLA 92037
*	SHELL DEVELOPMENT COMPANY		P.O. BOX 4248	MODESTO 95353
*	SMITH KLINE INSTRUMENTS, INC.		485 POTRERO AVE.	SUNNYVALE 94086
*	SOCIETY OF SCI. CARE, INC.		PO BOX 7535	SAN DIEGO 92107
*	SONOMA STATE HOSPITAL			ELDRIDGE 95431
*	SOUTHERN CA COLL OF OPTOMETRY		2001 ASSOCIATED RD	FULLERTON 92681
*	SOUTHERN CA. PERM. MED. GROUP		9985 SIERRA AVE.	FONTANA 92335
*	SOUTHWESTERN COLLEGE		900 OTAY LAKES RD.	CHULA VISTA 92010
*	ST. JOHN'S HOSP. & HEALTH CTR.		1328 22ND ST.	SANTA MONICA 90404
*	ST. MARY'S HOSP. MEDICAL CTR.		2200 HAYES ST.	SAN FRANCISCO 94117
*	STANDARD OIL COMP. OF CA.		576 STANDARD AVE., RM 5201	RICHMOND 94802
*	STANFORD RESEARCH INSTITUTE		333 RAVENSWOOD AVE.	MENLO PARK 94025
*	STANFORD UNIVERSITY		STANFORD MEDICAL CTR. L003D	STANFORD 94305
*	STAR-KIST FOODS, INC.		920 BARRADUCA	TERMINAL ISLANDS 90731
*	STATE OF CA/DEPT. OF HEALTH		2151 BERKELEY WAY	BERKELEY 94704

CALIFORNIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	SUTTER COM HOSP OF SACRAMENTO		52ND & F STS.	SACRAMENTO 95816
*	SYLVAN CORNERS VET. HOSPITAL		7548 OLD AUBURN BLVD	CITRUS HEIGHTS 95610
*	SYNTEX (U.S.A.) INC.		3401 HILLVIEW AVE.	PALO ALTO 94304
*	SYVA COMPANY		2349 CHARLESTON ROAD	MOUNTAIN VIEW 94040
*	TERA PHARMACEUTICALS, INC.		6920 STANTON AVE.	BUENA PARK 90621
* X	THE HINE LABORATORIES, INC.		TEHAMA ST	SAN FRANCISCO 94103
*	THE REGENTS OF THE UNIV OF CA		UNIVERSITY HALL	BERKELEY 94720
*	UNIVERSITY OF SAN DIEGO		ALCALA PARK	SAN DIEGO 92110
*	UNIVERSITY OF SAN FRANCISCO			SAN FRANCISCO 94117
*	UNIVERSITY OF SOUTHERN CA		2011 ZONAL AVE.	LOS ANGELES 90033
*	UNIVERSITY OF THE PACIFIC		751 BROOKSIDE RD	STOCKTON 95207
*	VALLEY CHLDNS HOSP & GUID CTR		3151 N. MILLBROOK	FRESNO 93703
*	VICTOR VALLEY COLLEGE			VICTORVILLE 92392
*	VITAMINERALS, INC.		1815 FLOWER ST.	GLENDALE 91201
*	WHITE MEMORIAL MEDICAL CENTER		1720 BROOKLYN AVE	LOS ANGELES 90033
*	WHITTIER COLLEGE			WHITTIER 90608
*	YUBA COLLEGE		LINDA & BEALE ROADS	MARYSVILLE 95901
*	ZOOLOGICAL SOC. OF SAN DIEGO		PO BOX 551	SAN DIEGO 92112

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ARAPAHOE COMMUNITY COLLEG E		5900 S. SANTA FE DR.	LITTLETON 80120
*	BEL RAE INSTITUTE		9870 E. ALAMEDA AVE.	DENVER 80231
*	BIOLOGICAL RES. LABS.		6700 SIMMS AVE.	ARVADA 80004
*	CHILDREN'S HOSPITAL		1056 EAST 19TH AVE.	DENVER 80218
*	CHLDNS ASTHMA RES INST & HOSP		3401 W. 19TH AVE.	DENVER 80204
*	COBE LABORATORIES, INC.		1201 OAK ST.	LAKEWOOD 80215
*	COLORADO MOUNTAIN COLLEGE			GLENWOOD SPRINGS 81601
*	COLORADO SERUM COMP.		4950 YORK ST.	DENVER 80216
*	COLORADO STATE UNIVERSITY			FORT COLLINS 80521
*	COMMUNITY COLLEGE OF DENV ER		3645 W. 112TH AVE.	WESTMINSTER 80030
*	COMMUNITY COLLEGE OF DENV ER		1111 W. COLFAX	DENVER 80204
*	COMMUNITY COLLEGE OF DENV ER		12600 W SIXTH ST.	GOLDEN 80401
*	COOPER U.S.A., INC.		5030 YORK ST.	LAKEWOOD 80215
*	DENVER DEPT OF HEALTH & H OSP		WEST 8TH AVE. & CHEROKEE ST.	DENVER 80204
*	ELARS BIO RESEARCH LAB.		225 COMMERCE DR.	FORT COLLINS 80521
*	FORT LEWIS COLLEGE			DURANGO 81301
*	MERIDIAN BIO-MEDICAL, INC .		3278 S. WADSWORTH	DENVER 80227
*	MICROMEDIC DIAGNOSTICS, I NC.		1800 E. LINCOLN, PO BOX 464	FORT COLLINS 80521
*	NAT'L JEWISH HOSP		3800 EAST COLFAX AVE	DENVER 80206
*	OTERO JUNIOR COLLEGE		18TH & COLORADO AVE.	LA JUNTA 81050
*	PENROSE HOSPITAL		2215 N. CASCADE AVE.	COLORADO SPRINGS 80903
*	REGIS COLLEGE		WEST 50TH & LOWELL BLVD.	DENVER 80221
*	ST. JOSEPH HOSPITAL		1835 FRANKLIN ST.	DENVER 80218
*	THE COLORADO COLLEGE			COLORADO SPRINGS 80903
*	UNIV OF NORTHERN COLORADO			GREELEY 80631
*	UNIVERSITY OF COLORADO			BOULDER 80302
*	VALLEYLAB INC		5920 LONGBOW DR	BOULDER 80301
*	WESTERN RESEARCH CORP.		2300 N. HWY 287, PO BOX 1255	FORT COLLINS 80522
*	WESTERN STATE COLLEGE CO			GUNNISON 81230

CONNECTICUT
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BIO-MEDICAL RESEARCH, INC		858 OAKWOOD RD.	ORANGE 06477
*	CONNECTICUT COLLEGE			NEW LONDON 06320
*	CT. STATE DEPT. OF HEALTH		PO BOX 1689	HARTFORD 06101
*	FAIRFIELD UNIVERSITY			FAIRFIELD 06430
* X	HAMILTON STANDARD			WINDSOR LOCKS 06096
*	HARTFORD HOSPITAL		80 SEYMOUR ST.	HARTFORD 06115
*	J. B. PIERCE FOUND. OF CT		290 CONGRESS	NEW HAVEN 06519
*	NEW ENGLAND INST., INC.		90 GROVE ST.	RIDGEFIELD 06877
*	QUINNIPIAC COLLEGE		555 NEW ROAD	HAMDEN 06518
*	RIBICOFF RESEARCH CENTER		NORWICH HOSPITAL, BOX 508	NORWICH 06360
*	ST. FRANCIS HOSP. RES. LAB.		114 WOODLAND ST.	HARTFORD 06105
*	ST. MARY'S HOSPITAL		56 FRANKLIN ST.	WATERBURY 06702
*	THE HOSPITAL OF ST. RAPHAEL		1450 CHAPEL ST.	NEW HAVEN 06511
*	THE UNIVERSITY OF CONNECTICUT			STORRS 06268
*	UNIV OF CT HEALTH CENTER		CENTER FOR LAB ANIMAL CARE	FARMINGTON 06032
*	UNIVERSITY OF HARTFORD		200 BLOOMFIELD AVE.	W. HARTFORD 06117
*	YALE UNIVERSITY		333 CEDAR ST.	NEW HAVEN 06510

DELAWARE
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ALFRED I. DU PONT INSTITUTE		ROCKLAND RD.	WILMINGTON 19803
*	DU PONT EXPERIMENTAL STATION.		NEW MURPHY RD.	WILMINGTON 19898
*	E.I. DUPONT DE NEMOURS & CO.		PO BOX 30	NEWARK 19711
*	ICI AMERICAS, INC.		CONCORD PIKE & NEW MURPHY RD.	WILMINGTON 19897
*	UNIVERSITY OF DELAWARE			NEWARK 19711
* X	WILMINGTON MEDICAL CTR., INC.		14TH & WASHINGTON STS.	WILMINGTON 19899

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BARRY LABORATORIES, INC.		461 N.E. 27TH ST.	POMPANO BEACH 33064
* X	BIGGER'S SMALL ANIMAL HOSP.		2833 S. 4 ST.	FORT PIERCE 33450
* X	CAPE LABORATORIES, INC.		BOX B1	VENICE 33595
*	CHEMIE HAUS, INC.		160 CONCORD DR.	CASSELBERRY 32707
*	CORDIS CORP.		PO BOX 370428	MIAMI 33137
*	DADE DIV AM HOSP SUPPLY CORP		PO BOX 520672	MIAMI 33152
*	DAWSON RESEARCH CORP.		PO BOX 8272	ORLANDO 32809
*	ECKERD COLLEGE		PO BOX 12560	ST. PETERSBURG 33733
*	FL INJURED WILDLIFE SANC. INC		BOX 260,RT. 1	MELBOURNE 32935
*	FLORIDA A&M UNIV.			TALLAHASSEE 32307
*	FLORIDA ATLANTIC UNIVERSITY			BOCA RATON 33431
*	FLORIDA INST. OF TECHNOLOGY		BOX 1150 COUNTRY CLUB ROAD	MELBOURNE 32901
*	FLORIDA INTERNATIONAL UNIV		TAMIAMI TRAIL	MIAMI 33199
*	FLORIDA MED. ENTOMOLOGY LAB.		PO BOX 520-OSLO RD.	VERO BEACH 32960
*	FLORIDA STATE UNIVERSITY			TALLAHASSEE 32306
*	FLORIDA TECHNOLOGICAL UNIV.		PO BOX 25000,ALAFAYA TRAIL	ORLANDO 32816
*	HOWARD HUGHES MEDICAL INST.		PO BOX 520605, BISCAYNE ANNEX	MIAMI 33152
*	JACKSON VETERINARY PRACTICE		RFD 5 BOX 9	ST. AUGUSTINE 32084
*	KNOWLES ANIMAL CLINIC		1000 NW 27TH AVE	MIAMI 33125
*	LARY, M.D., BG		7400 N KENDALL	MIAMI 33156
*	LEO GOODWIN INST FOR CANC RES		3301 COLLEGE	FT. LAUDERDALE 33314
*	MANNHEIMER PRIMATE FOUND.		20255 S.W. 360TH ST.	HOMESTEAD 33030
*	MERIEUX INSTITUTE INC.		15960 N.W. 15 AVE.	MIAMI 33169
*	MIAMI HEART INSTITUTE		4701 N. MERIDIAN AVE.	MIAMI BEACH 33140
*	MOTE MARINE LABORATORY, INC.		1600 CITY ISLAND PARK	SARASOTA 33577
*	MT. SINAI HOSPITAL RES. LAB.		4300 ALTON RD.	MIAMI BEACH 33140
*	N. AMERICAN BIOLOGICALS, INC.		16500 NW 15 AVE.	MIAMI 33169
*	NATIONAL BIOLOGICALS, INC		13710 49TH STREET NORTH	CLEARWATER 33520
*	PAPANICOLAOU CANCER RES INST		1155 NW 14TH ST PO BOX 236188	MIAMI 33123
*	ROLLINS COLLEGE			WINTER PARK 32789
*	SANDERS MED. RES. FOUND. INC.		33 SE 3RD ST.	BOCA RATON 33432
*	SHERWOOD MED INDUSTRIES, INC		PO BOX 2078	DELAND 32720
*	ST. PETERSBURG JR. COLLEGE		PO BOX 13489	ST. PETERSBURG 33733
*	STATE OF FL., DIV. OF HEALTH		4000 W. BUFFALO AVE	TAMPA 33614

FLORIDA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* X	SUNLAND HOSPITAL		PO BOX 3513	ORLANDO 32802
*	UNIVERSITY OF FLORIDA		OFFICE OF THE PRESIDENT	GAINESVILLE 32601
*	UNIVERSITY OF MIAMI			CORAL GABLES 33124
*	UNIVERSITY OF SOUTH FLORIDA		4202 FOWLER AVE.	TAMPA 33620

GEORGIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	EMORY UNIVERSITY			ATLANTA 30322
* X	GEORGIA COLLEGE			MILLEDGEVILLE 31061
*	GEORGIA INST. OF TECHNOLOGY			ATLANTA 30332
*	MAAG ENTERPRISES, INC.		1805 TAPAWINGO DR.	GAINESVILLE 30501
*	MERCER UNIVERSITY SYSTEM			MACON 31207
*	PALMER CHEM. & EQUIP. CO. INC		PO BOX 867	DOUGLASVILLE 30134
*	UNIVERSITY OF GEORGIA SYSTEM			ATHENS 30601

HAWAII
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	HAWAII DEPT. OF AGRICULTU RE		1428 S. KING ST.	HONLOULU 96814
* X	KUAKINI HOSPITAL & HOME		347 N. KUAKINI ST.	HONOLULU 96817
*	QUEEN'S MEDICAL CENTER		PO BOX 861	HONOLULU 96808
*	RES. CORP. OF THE UNIV OF HI.		1110 UNIVERSITY AVE.	HONOLULU 96817
*	ST. FRANCIS HOSP RES LAB		2260 LILIKA ST.	HONOLULU 96817
*	UNIVERSITY OF HAWAII		PACIFIC BIOMEDICAL RES. CTR.	HONOLULU 96813

IDAHO
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	IDAHO STATE UNIVERSITY			POCATELLO 83201
*	LONG, CD		101 N. GARDEN ST.	BOISE 83704
*	NORTHWEST NAZARENE COLLEG E			NAMPA 83651
*	UNIVERSITY OF IDAHO			MOSCOW 83843

ILLINOIS
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	A.E. STALEY MFG. CO.		PO BOX 151	DECATUR 62525
*	ABBOTT LABORATORIES		1400 SHERIDAN RD.	NORTH CHICAGO 60064
*	AMERICAN DENTAL ASSOCIATION		211 EAST CHICAGO AVE.	CHICAGO 60611
*	AMERICAN MEDICAL ASSN.		535 N. DEARBORN ST.	CHICAGO 60610
*	ARMOUR PHARMACEUTICAL CO.		PO BOX 511	KANKAKEE 60901
*	ARNAR-STONE LAB.		1600 WAUKEGAN RD.	MCGAW PARK 60085
*	BIOLABS, INC.		2910 MACARTHUR BLVD.	NORTHBROOK 60062
*	BLACKBURN COLLEGE			CARLINVILLE 62626
*	BORDEN INC.		RR 1	ELGIN 60120
*	BRADLEY UNIVERSITY			PEORIA 61606
*	CHICAGO BOARD OF HEALTH		CHICAGO CIVIC CENTER	CHICAGO 60602
*	CHICAGO COLLEGE OF OSTEOPATHY		1122 E. 53 ST.	CHICAGO 60615
* 1	CHICAGO INST. FOR ANIMAL RES.		4701 W. GRAND AVE.	CHICAGO 60639
*	CHICAGO MEDICAL SCHOOL		710 S. WOLCOTT AVE.	CHICAGO 60612
*	CHILDREN'S MEMORIAL HOSPITAL		2300 CHILDREN'S PLAZA	CHICAGO 60614
*	COOK CO. GRAD. SCHOOL OF MED.		707 S. WOOD ST.	CHICAGO 60612
*	DE PAUL UNIVERSITY		1036 W. BELDEN AVE.	CHICAGO 60614
*	EDGEWATER HOSPITAL		5700 N. ASHLAND	CHICAGO 60626
*	ELMHURST COLLEGE			ELMHURST 60126
*	EUREKA COLLEGE		300 E. COLLEGE	EUREKA 61530
*	EVANSTON HOSPITAL		2650 RIDGE AVE.	EVANSTON 60201
*	G.D. SEARLE & CO.		BOX 5110	CHICAGO 60680
*	GALESBURG STATE RESEARCH HOSPITAL			GALESBURG 61401
*	GENERAL FOODS CORP.		C/O GAINES RES. KENNELS RR 3	ST. ANNE 60964
*	GEORGE WILLIAM COLLEGE		555-31ST ST.	DOWNERS GROVE 60515
*	HEKOTOEN INST./COOK CO. HOSP.		627 S. WOOD ST.	CHICAGO 60612
*	IIT RESEARCH INST.		10 WEST 35 ST.	CHICAGO 60616
*	IL. DEPT. OF PUBLIC HEALTH		535 W. JEFFERSON ST.	SPRINGFIELD 62706
*	IL. STATE PSYCHIATRIC INST.		1601 W. TAYLOR ST.	CHICAGO 60612
*	ILLINOIS BENEDICTINE COLLEGE			LISLE 60532
*	ILLINOIS INST. OF TECHNOLOGY		3300 S. FEDERAL ST.	CHICAGO 60616
*	ILLINOIS STATE UNIVERSITY			NORMAL 61761
*	ILLINOIS WESLEYAN UNIV.			BLOOMINGTON 61701
*	INDUSTRIAL BIO-TEST LAB., INC		1810 FRONTAGE RD.	NORTHBROOK 60062
*	INTER'L SCIENTIFIC IND. INC		PO BOX 9	CARY 60013
*	JOHN A. HARTFORD FOUNDATION		1775 DEMPSTER RD.	PARK RIDGE 60068
*	KENDALL RESEARCH CENTER		411 LAKE ZURICH ROAD	BARRINGTON 60010
*	KNOX COLLEGE			GALESBURG 61401
*	KRAFTCO CORP.		801 WAUKEGAN RD.	GLENVIEW 60025

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	LAKE FOREST COLLEGE			LAKE FOREST 60045
*	LARABIDA UNIV OF CHICAGO INST		5801 SOUTH ELLIS AVE.	CHICAGO 60637
*	LOKE-ERICKSON LABS., INC.		112 N. 10TH AVE.	MELROSE PARK 60160
*	LOYOLA UNIVERSITY		1400 S. FIRST AVE.	MINES 60141
*	M. REESE HOSP. & MED. CEN TER		29 & ELLIS	CHICAGO 60616
*	MEDI-PHYSICS, INC.		9820 BRYN MAWR	ROSEMONT 60018
*	MEMORIAL HOSPITAL		4501 NORTH PARK DR.	BELLEVIEW 62221
*	MERCY HOSPITAL & MEDICAL CTR.		STEVENSON EXPRESS. AT KING DR	CHICAGO 60616
*	MT. SINAI HOSP. MEDICAL C TR.		CALIFORNIA AVE. AT 15TH ST.	CHICAGO 60608
*	N.M. PERCY MED. RES. FOUN D.		411 W. DICKENS	CHICAGO 60612
*	NORTHEASTERN ILLINOIS UNI V.		BRYN MAWR AT ST. LOUIS	CHICAGO 60625
*	NORTHERN ILLINOIS UNIVERS ITY			DEKALB 60115
*	NORTHWESTERN UNIVERSITY		619 CLARK ST.	EVANSTON 60201
*	PRESBYTERIAN-ST. LUKE'S H OSP.		1753 W. CONGRESS PARKWAY	CHICAGO 60612
*	QUAKER OATS CO.		617 W. MAIN ST.	BARRINGTON 60010
*	QUINCY COLLEGE			QUINCY 62301
* X	ROSNER-HIXSON LABORATORIE S		3570 N. AVONDALE AVE.	CHICAGO 60618
*	SANGAMON STATE UNIVERSITY			SPRINGFIELD 62703
*	SHERMAN HOSPITAL		934 CENTER ST.	ELGIN 60120
*	SLEEPY HOLLOW KENNEL/CATT ERY		ROUTE 2, BOX 73	MUNDELEIN 60060
*	SOUTHERN ILLINOIS UNIV.			CARBONDALE 62901
*	SOUTHERN ILLINOIS UNIVERS ITY			EDWARDSVILLE 62025
*	ST. FRANCIS HOSPITAL		530 NE GLEN OAK AVE.	PEORIA 61603
*	ST. FRANCIS HOSPITAL		355 RIDGE AVE.	EVANSTON 60202
*	ST. JAMES HOSPITAL		1423 CHICAGO RD.	CHICAGO HEIGHTS 60411
* X	ST. JOHN'S HOSPITAL		1111 N. LINCOLN ST.	SPRINGFIELD 62707
*	TOX MONITOR LAB., INC		112 N 10TH AVE	MELROSE PARK 60160
*	TRAVENOL LABORATORIES, IN C.		6301 LINCOLN AVE.	MORTON GROVE 60053
*	UNIV OF IL AT CHICAGO CIR CLE		2833 UNIVERSITY HALL	CHICAGO 60680
*	UNIVERSITY OF CHICAGO		5801 S. ELLIS AVE.	CHICAGO 60637
*	UNIVERSITY OF ILLINOIS		833 S. WOOD ST.	CHICAGO 60612
*	UNIVERSITY OF ILLINOIS			URBANA 61801
*	WEST LABORATORIES		PO BOX 666	ST. ANNE 60944
*	WESTERN ILLINOIS UNIVERSI TY			MACOMB 61455
*	WHEATON COLLEGE			WHEATON 60187
* X	WIDEMAN, FE		1520 7TH ST., SUITE 404	MOLINE 61265
* X	WILSON & CO., INC.		4200 S. MARSHFIELD AVE.	CHICAGO 60609
*	WILSON LABORATORIES		4221 S. WESTERN BLVD.	CHICAGO 60609

INDIANA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	AMERICAN MONITOR, INC.		5425 W. 84TH ST.	INDIANAPOLIS 46268
*	BALL STATE UNIVERSITY			MUNCIE 47306
*	BOTTA, JR., DR. JAMES A.		PO BOX 333	MT. VERNON 47620
*	BUTLER UNIVERSITY		4600 SUNSET	INDIANAPOLIS 46208
*	CENTRAL SOYA COMPANY, INC.			DECATUR 46733
* X	EARLHAM COLLEGE			RICHMOND 47374
*	ELI LILLY & CO.		740 S. ALABAMA	INDIANAPOLIS 46206
*	FT. WAYNE SURGICAL ASSOC. INC		3124 E. STATE BLVD.	FT. WAYNE 46805
*	IMC CHEMICAL GROUP, INC.		PO BOX 207,1331 S. FIRST ST.	TERRE HAUTE 47808
*	INDIANA STATE UNIVERSITY			TERRE HAUTE 47809
*	INDIANA UNIVERSITY			BLOOMINGTON 47401
*	LAFAYETTE PHARMACAL, INC.		526 N. EARL AVE.	LAFAYETTE 47902
*	MEAD, JOHNSON & COMPANY		2404 PENNSYLVANIA AVE.	EVANSVILLE 47721
* X	METHODIST HOSP. OF INDIANA INC		1604 N. CAPITAL AVE.	INDIANAPOLIS 46202
*	MICHIGAN ROAD ANIMAL HOSP.		7720 N. MICHIGAN RD.	INDIANAPOLIS 46268
*	MILES LABORATORIES, INC.			ELKHART 46514
*	PURDUE UNIVERSITY			LAFAYETTE 47907
*	ROSE POLYTECHNIC INSTITUTE		5500 WABASH AVE.	TERRE HAUTE 47803
*	ST. VINCENT HOSPITAL		2001 W. 86TH ST.	INDIANAPOLIS 46268
*	UNIVERSITY OF NOTRE DAME			NOTRE DAME 46556
*	VALPARAISO UNIVERSITY			VALPARAISO 46383
*	WABASH COLLEGE			CRAWFORDSVILLE 47933

IOWA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	COL OF OSTEOPATHIC MED & SURG		3200 GRAND AVE.	DES MOINES 50312
*	DIAMOND LABORATORIES, INC.		PO BOX 863	DES MOINES 50304
*	DRAKE UNIVERSITY			DES MOINES 50311
*	FORT DODGE LAB., INC.		800 FIRST ST., N.W.	FORT DODGE 50501
*	GRAND VIEW COLLEGE		1200 GRANDVIEW AVE	DES MOINES 50316
*	IOWA STATE UNIVERSITY			AMES 50010
*	LUTHER COLLEGE			DECORAH 52101
*	SALISBURY LABORATORIES		2000 ROCKFORD RD.	CHARLES CITY 50616
*	ST. LUKE'S METHODIST HOSP.		1026 A AVENUE NE	CEDAR RAPIDS 52402
*	UNIVERSITY OF IOWA			IOWA CITY 52240

KANSAS
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BAYVET CORP.		PO BOX 390	SHAWNEE MISSION 66201
*	DOUGLAS PHARMACAL IND., INC.		8906 ROSEHILL RD.	LENEXA 66215
*	EMPORIA STATE UNIVERSITY		1200 COMMERCIAL ST.	EMPORIA 66801
*	INTERX RESEARCH CORP.		2201 W. 21 ST.	LAWRENCE 66044
*	JENSEN-SALSBERY LAB.		2000 S. 11TH ST.	KANSAS CITY 66103
*	KANSAS STATE UNIVERSITY			MANHATTAN 66502
*	KRUCKENBERG, S.M.		2851 OREGON LANE	MANHATTAN 66502
*	MARYMOUNT COLLEGE			SALINA 67401
*	MOBAY CHEMICAL CORP		PO BOX 1930	STILWELL 66085
*	PARSONS STATE HOSPITAL			PARSONS 67357
*	UNIV. OF KANSAS MED. CTR.		RAINBOW BLVD. AT 39TH ST.	KANSAS CITY 66103
*	UNIVERSITY OF KANSAS			LAWRENCE 66044
*	WITCHITA STATE UNIVERSITY		1845 FAIRMOUNT	WICHITA 67208

KENTUCKY
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	HARLAN APPALACHIAN REG. HOSP.			HARLAN 40831
*	UNIVERSITY OF KENTUCKY			LEXINGTON 40506
*	UNIVERSITY OF LOUISVILLE		101 CHESTNUT	LOUISVILLE 40202

LOUISIANA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ALTON OCHSNER MEDICAL FOUND.		1520 JEFFERSON HWY.	NEW ORLEANS 70121
*	GULF SOUTH RES. INSTITUTE		PO BOX 1177	NEW IBERIA 70560
*	HART-DELTA, INC.		5055 CHESTER DR.	BATON ROUGE 70805
*	LOUISIANA STATE UNIV. SYSTEM			BATON ROUGE 70803
*	LOUISIANA TECH. UNIVERSITY			RUSTON 71270
* X	LOYOLA SCHOOL OF DENTISTRY		6363 ST. CHARLES AVE.	NEW ORLEANS 70118
*	NICHOLLS STATE UNIVERSITY		BOX 3031 UNIVERSITY STA.	THIBODAUX 70301
*	NORTHEAST LOUISIANA UNIV.		4001 DESIARD	MONROE 71201
*	NW STATE UNIV. OF LA.			NATCHITOCHES 71457
*	TOURO RESEARCH INSTITUTE		1400 FOUCHER ST.	NEW ORLEANS 70115
*	TULANE UNIVERSITY			NEW ORLEANS 70118
*	UNIVERSITY OF NEW ORLEANS			NEW ORLEANS 70122
*	UNIVERSITY OF SW LOUISIANA			LAFAYETTE 70501
*	XAVIER UNIVERSITY			NEW ORLEANS 70125

MAINE
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ATLANTIC ANTIBODIES		52 ANDERSON RD	WESTBROOK 04092
*	BATES COLLEGE			LEWISTON 04240
*	BOWDOIN COLLEGE			BRUNSWICK 04011
*	MAINE MEDICAL CENTER		22 BRANHALL ST.	PORTLAND 04102
*	MT DESERT ISLAND BIOLOG. LAB			SALSBURY COVE 04672
*	NASSON COLLEGE			SPRINGVALE 04083
*	NEW ENGLAND COL OF OSTEOP MED		605 POOL ROAD	BIDDEFORD 04005
*	THE JACKSON LABORATORY			BAR HARBOR 04609
*	UNIVERSITY OF MAINE			ORONO 04473
*	UNIVERSITY OF MAINE		246 DEERING AVE.	PORTLAND 04102

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	AM. TYPE CULTURE COLLECTION		12301 PARKLAWN DR.	ROCKVILLE 20852
*	AMERICAN RED CROSS		9312 OLD GEORGETOWN RD.	BETHESDA 20014
*	BIOTECH RESEARCH LABS., INC.		12601 TWINBROOK PKWY	ROCKVILLE 20852
*	BORRISTON RESEARCH LABS, INC		5050 BEECH PL.	TEMPLE HILLS 20031
*	BURTON, PARSONS & CO., INC.		120 WESTHAMPTON AVE.	SEAT PLEASANT 20027
*	FLOW LABORATORIES, INC.		1710 CHAPMAN AVE.	ROCKVILLE 20852
*	FRIENDS MED. SCI. RES CTR INC		22 BLOOMSBURY AVE	BALTIMORE 21228
*	GILLETTE COMP. RESEARCH INST.		1413 RESEARCH BLVD.	ROCKVILLE 20850
* X	HARFORD COMMUNITY COLLEGE		401 THOMAS RUN ROAD	BEL AIR 21014
* X	HITTMAN ASSOCIATES, INC.		PO BOX 810	COLUMBIA 21043
*	HYNSON, WESTCOTT/DUNNING INC.		CHARLES & CHASE STS.	BALTIMORE 21201
*	INST. FOR BEHAVORAL RES. INC.		2429 LINDEN LANE	SILVER SPRING 20910
*	JOHN HOPKINS UNIVERSITY		34TH & CHARLES ST.	BALTIMORE 21218
*	LITTON BIONETICS, INC.		5516 NICHOLSON LN	KENSINGTON 20795
*	MD. PSYCHIATRIC RESEARCH CTR.		PO BOX 3235	BALTIMORE 21228
*	MICROBIOLOGICAL ASSOC., INC.		4733 BETHESDA AVE.	BETHESDA 20014
*	PENINSULA GENERAL HOSPITAL		S. DIVISION & W. LOCUST STS.	SALISBURY 21801
*	PHARMACOPATHICS RES. LAB. INC		1261 N. WASHINGTON BLVD.	LAUREL 20810
* X	SACRED HEART HOSPITAL		900 SETON DR.	CUMBERLAND 21502
*	SINAI HOSPITAL OF BALTIMORE		BELVEDERE & GREENSPRING AVES.	BALTIMORE 21215
*	ST. JOSEPH HOSPITAL		7620 YORK RD.	BALTIMORE 21204
* X	TOWSON STATE COLLEGE			BALTIMORE 21204
*	UNIVERSITY OF MARYLAND		C/O DR GERALD M WARD, DIR	COLLEGE PARK 20742

MASSACHUSETTS
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ARCOR, INC		850 MAIN STREET	WILMINGTON 01887
*	ARTHUR D. LITTLE, INC.		25 ACORN PARK	CAMBRIDGE 02140
*	ASTRA PHARMACEUTICAL PROD INC		7 1/2 NEPONSET ST.	WORCESTER 01606
*	AVCO EVERETT RESEARCH LAB .		2385 REVERE BEACH PKWY.	EVERETT 02149
*	BECKER JUNIOR COLLEGE		1003 MAIN ST.	LEICESTER 01524
* X	BERKSHIRE COMMUNITY COLLE GE		SECOND ST.	PITTSFIELD 01201
*	BETH ISRAEL HOSPITAL		330 BROOKLINE AVE.	BOSTON 02215
*	BIO-RESEARCH INSTITUTE, I NC.		9 COMMERCIAL AVE.	CAMBRIDGE 02141
*	BIOASSAY SYSTEMS CORP		100 INMAN ST	CAMBRIDGE 02139
*	BOSTON CITY HOSPITAL		818 HARRISON AVE.	BOSTON 02118
*	BOSTON COLLEGE		140 COMMONWEALTH AVE.	CHESTNUT HILL 02167
*	BOSTON STATE HOSPITAL		510 MORTON ST.	BOSTON 02124
*	BOSTON UNIVERSITY		705 COMMONWEALTH AVE.	BOSTON 02215
*	BRANDEIS UNIVERSITY			WALTHAM 02154
*	CAMBRIDGE NUCLEAR RADIOPH ARMACEUTICAL CENTER		575 MIDDLESEX TURNPIKE	BILLERICA 01821
*	CHILDREN'S CANCER RES. FO UND.		35 BINNEY ST.	BOSTON 02115
*	CHILDREN'S HOSP. MEDICAL CTR.		300 LONGWOOD AVE.	BOSTON 02115
*	CIS RADIOPHARMACEUTICALS, INC		5 DEANGELO DR	BEDFORD 01730
*	CLARK UNIVERSITY		950 MAIN ST.	WORCESTER 01610
*	COLLABORATIVE RESEARCH, I NC		1365 MAIN ST	WALTHAM 02154
*	F & F BIO-RESEARCH, INC.		PO BOX 375	ASSONET 02702
*	FORSYTH DENTAL CENTER		140 THE FENWAY	BOSTON 02115
*	GAMMA DIAGNOSTIC LABS., I NC.		50 WALTON ST.	ATTLEBORO 02703
*	GTE LABORATORIES, INC.		40 SYLVAN ROAD	WALTHAM 02154
*	HARVARD UNIV. MED. SCHOOL		25 SHATTUCK ST	BOSTON 02115
*	HOLLISTON JUNIOR COLLEGE		100 SUMMER ST.	HOLLISTON 01746
*	HOLYOKE COMMUNITY COLLEGE		303 HOMESTEAD AVE.	HOLYOKE 01040
*	JOSLIN DIABETES FOUND., I NC.		1 JOSLIN PL	BOSTON 02215
*	LAHEY CLINIC FOUNDATION		605 COMMONWEALTH AVE.	BOSTON 02215
*	LEMUEL SHATTUCK HOSPITAL		170 MORTON ST.	JAMAICA PLAIN 02130
*	MASON RESEARCH INSTITUTE, INC.		21 HARVARD ST.	WORCESTER 01608
*	MASS. COLLEGE OF PHARMACY		179 LONGWOOD AVE.	BOSTON 02115
*	MASS. DEPT. OF PUBLIC HEA LTH		375 SOUTH ST.	JAMAICA PLAIN 02130
*	MASS. EYE & EAR INFIRMARY		243 CHARLES ST.	BOSTON 02114
*	MASS. INSTITUTE OF TECHNO LOGY		77 MASSACHUSETTS AVE.	CAMBRIDGE 02139
*	MASSACHUSETTS GENERAL HOS P.			BOSTON 02114
* X	MEDICAL CENTER OF WESTERN MA.		759 CHESTNUT ST.	SPRINGFIELD

TA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	MILLIPORE CORPORATION		ASHBY ROAD	BEDFORD 01730
*	MT. HOLYOKE COLLEGE			SOUTH HADLEY 01075
*	NEW ENGLAND DEACONESS HOSP.		185 PILGRIM RD.	BOSTON 02215
*	NEW ENGLAND MEDICAL CTR. HOSP		171 HARRISON AVE.	BOSTON 02111
*	NORTHEASTERN UNIVERSITY		360 HUNTINGTON AVE.	BOSTON 02115
*	PETER BENT BRIGHAM HOSPITAL		721 HUNTINGTON AVE.	BOSTON 02115
*	PONDVILLE HOSPITAL		BOX 111	WALPOLE 02081
*	RED ACRE FARM INC.		RED ACRE RD.	STOW 01775
* X	RETINA FOUNDATION		20 STANIFORD ST.	BOSTON 02114
*	ROBERT B. BRIGHAM HOSPITAL		125 PARKER HILL AVE.	BOSTON 02129
*	SHARPS ASSOCIATES		767-B CONCORD AVE.	CAMBRIDGE 02138
*	SHRINERS BURNS INSTITITE		50 BLOSSOM ST.	BOSTON 02114
*	SHRIVER CTR., MENT RETARD INC.		200 TRAPELO ROAD	WALTHAM 02154
*	SMITH COLLEGE			NORTHHAMPTON 01060
*	ST. ELIZABETH'S HOSPITAL		736 CAMBRIDGE ST.	BRIGHTON 02135
*	ST. MARGARET'S HOSP FOR WOMEN		90 CUSHING AVE.	DORCHESTER 02125
*	ST. VINCENT HOSPITAL		25 WINTHROP ST.	WORCESTER 01610
*	STONEHILL COLLEGE			NORTH EASTON 02356
*	THE MEMORIAL HOSPITAL		119 BELMONT ST.	WORCESTER 01605
*	THERMO ELECTRON CORP.		85 FIRST AVE.	WALTHAM 02154
*	TRUSTEES OF HAMPSHIRE COLLEGE			AMHERST 01002
*	TUFTS UNIVERSITY			MEDFORD 02155
*	TUFTS UNIVERSITY		BALLOU HALL	MEDFORD 02155
*	TUFTS-NEW ENG MED CTR., INC		BOX 237-171 HARRISON AVE	BOSTON 02111
*	UNIVERSITY OF LOWELL		450 AIKEN ST	LOWELL 01854
*	UNIVERSITY OF MASSACHUSETTS			AMHERST 01002
* X	WESTFIELD STATE COLLEGE			WESTFIELD 01085
*	WILLIAMS COLLEGE			WILLIAMSTOWN 01267
*	WORCESTER POLYTECHNIC INST.		WEST ST.	WORCESTER 01609
*	WORCHESTER FOUND FOR EXP. BIO		222 MAPLE AVE.	SHREWSBURY 01545

MICHIGAN
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ALBION COLLEGE			ALBION 49224
*	BLODGETT MEMORIAL HOSPITAL		1840 WEALTHY, S.E.	GRAND RAPIDS 49506
*	BUTTERWORTH HOSPITAL		100 MICHIGAN N.E.	GRAND RAPIDS 49503
*	C.S. MOTT COMMUNITY COLLEGE		1401 E. COURT ST.	FLINT 48503
*	CENTRAL MICHIGAN UNIVERSITY			MT. PLEASANT 48858
*	CHILDREN'S HOSP. OF MICHIGAN		3901 BEAUBIEN	DETROIT 48201
*	DELTA COLLEGE		UNIVERSITY CENTER, R STA.	BAY CITY 48710
*	DETROIT-MACOMB HOSP. ASSN.		7815 E. JEFFERSON	DETROIT 48214
*	DORNER LABORATORIES		3203 W. COLUMBIA	BATTLE CREEK 49017
*	DOW CHEMICAL CO.			MIDLAND 48640
*	DOW CORNING CORPORATION		SOUTH SAGINAW RD.	MIDLAND 48640
*	FERRIS STATE COLLEGE			BIG RAPIDS 49307
* X	FLINT OSTEOPATHIC HOSPITAL		3921 BEECHER RD.	FLINT 48502
*	FOUNDATION FOR BEHAVIORAL RESEARCH		BOX 248, 600 CHERRY ST.	AUGUSTA 49012
*	GENERAL MOTORS RESEARCH LABS.		12 MILE & MOUND RDS.	WARREN 48090
*	GRAND VALLEY STATE COLLEGE		COLLEGE LANDING	ALLENDALE 49401
*	HENRY FORD HOSPITAL & EDSEL B. FORD INSTITUTE FOR MEDICAL RESEARCH		2799 W. GRAND BLVD.	DETROIT 48202
*	HOPE COLLEGE			HOLLAND 49423
*	HUTZEL HOSPITAL		432 E. HANCOCK	DETROIT 48201
*	INGHAM MEDICAL HOSPITAL		401 W. GREENLAWN	LANSING 48910
*	INTERNATIONAL RES. & DEV CORP		900 MAIN ST.	MATTAWAN 49071
*	JAFFEE, MARTIN D.		2110-16TH ST.	BAY CITY 48706
*	LABORATORY RES. ENTERP. INC.		6251 SOUTH 6TH ST.	KALAMAZOO 49001
*	LAFAYETTE CLINIC		951 E. LAFAYETTE	DETROIT 48207
*	LAKE SUPERIOR STATE COLLEGE			SAULT STE. MARIE 49783
*	MARQUETTE GENERAL HOSPITAL			MARQUETTE 49855
*	MCLAREN GENERAL HOSPITAL		401 S. BALLENGER HWY.	FLINT 48502
*	MI. DEPT OF PUBLIC HEALTH		3500 N. LOGAN	LANSING 48914
*	MICHIGAN CANCER FOUNDATION		110 EAST WARREN AVE.	DETROIT 48201
*	MICHIGAN STATE UNIVERSITY			EAST LANSING 48823
*	MICHIGAN TECHNOLOGICAL UNIV.			HOUGHTON 49931
*	MT. CARMEL MERCY HOSPITAL		6071 W. OUTER DRIVE	DETROIT 48235
*	NORTHERN MICHIGAN UNIVERSITY			MARQUETTE 49855
*	OAKLAND UNIVERSITY			ROCHESTER 48063
*	PROVIDENCE HOSPITAL		16001 NINE MILE RD.	SOUTHFIELD 48075

MICHIGAN
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
* X	RIVERSIDE OSTEOPATHIC HOSP.		150 TRUAX ST.	TRENTON 48183
*	SINAI HOSPITAL OF DETROIT		6767 W. OUTER DR.	DETROIT 48235
*	UNIVERSITY OF DETROIT		4001 W. MCNICHOLS RD.	DETROIT 48221
*	UNIVERSITY OF MICHIGAN			ANN ARBOR 48104
*	UPJOHN COMPANY		301 HENRIETTA ST.	KALAMAZOO 49001
* X	W.D. FRYFOGLE MED. RES. LAB.		15901 W. NINE MILE RD.	SOUTHFIELD 48075
*	WARNER-LAMBERT/PARK-DAVIS		GPO BOX 1047	ANN ARBOR 48106
*	WAYNE COUNTY GENERAL HOSPITAL			ELOISE 48132
*	WAYNE STATE UNIVERSITY			DETROIT 48202
*	WESTERN MICHIGAN UNIVERSITY			KALAMAZOO 49001
*	WILLIAM BEAUMONT HOSPITAL		3601 W. 13 MILE RD.	ROYAL OAK 48073

MINNESOTA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	APPLIED CARDIOPULMONARY RES.		2545 CHICAGO AVE SUITE 111	MINNEAPOLIS 55404
*	AUSTIN COMMUNITY COLLEGE		1600-8TH AVE., N.W.	AUSTIN 55912
*	BIO-MEDICUS, INC.		15307 MINNETONKA INDUSTRIAL RD.	MINNETONKA 55343
*	CARDIAC PACEMAKERS, INC		4100 N HAMLINE AVE	ST PAUL 55108
*	KALLESTAD LABORATORIES		1000 LAKE HAZELTINE DR.	CHASKA 55318
*	LIFE SCIENCE FOUNDATION		4101 GOLDEN VALLEY RD.	MINNEAPOLIS 55422
*	MANKATO STATE UNIVERSITY			MANKATO 56001
*	MAYO FOUNDATION		200 FIRST ST. S.W.	ROCHESTER 55901
*	MEDTRONIC, INC.		3055 OLD HIGHWAY EIGHT	MINNEAPOLIS 55418
*	MINNEAPOLIS MED RES FOUND INC		619 S. 5TH ST.	MINNEAPOLIS 55415
* X	MT. SINAI HOSPITAL		22ND & CHICAGO AVE.	MINNEAPOLIS 55404
* X	N STAR DIV MIDWEST RES INST		10701 RED CIRCLE DR	MINNETONKA 55343
*	NORTHWESTERN HOSPITAL		810 E. 27TH ST.	MINNEAPOLIS 55407
*	RIKER LABORATORIES, INC.		3M CENTER, BLDG. 218-3	ST. PAUL 55119
*	SOUTHWEST STATE UNIVERSITY			MARSHALL 56258
*	ST. JOHN'S UNIVERSITY			COLLEGEVILLE 56321
* X	ST. MARY'S HOSPITAL		2414 S. SEVENTH ST.	MINNEAPOLIS 55406
*	ST. PAUL-RAMSEY HOSPITAL		640 JACKSON ST.	ST. PAUL 55101
*	UNIVERSITY OF MINNESOTA			MINNEAPOLIS 55455

MISSISSIPPI
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	MISSISSIPPI STATE UNIVERSITY		DRAWER G	STATE COLLEGE 39762
*	UNIVERSITY OF MISSISSIPPI		OFFICE OF THE CHANCELLOR	UNIVERSITY 38677

MISSOURI
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	CURATORS OF THE UNIV. OF MO.			COLUMBIA 65201
*	INST. OF MED. EDUCATION & RES		1605 S. 14TH ST.	ST. LOUIS 63104
*	JEWISH HOSPITAL OF ST. LOUIS		216 S. KINGSHIGHWAY BLVD.	ST. LOUIS 63110
*	JR COLL. DIST OF JEFFERSON CO			HILLSBORO 63050
*	KANSAS CITY COLL/OSTEOP. MED.		2105 INDEPENDENCE BLVD.	KANSAS CITY 64124
*	KIRKSVILLE COLL/OSTEOP & SURG			KIRKSVILLE 63501
*	LOGAN COLLEGE OF CHIROPRACTIC		430 SCHOETTLER RD.	CHESTERFIELD 63017
*	MALLINCKRODT CHEMICAL WORKS		2ND & MALLINCKRODT STS.	ST. LOUIS 63160
*	MAPLE WOODS COMMUNITY COLLEGE		2601 NE BARRY RD.	KANSAS CITY 64156
*	MARION LABORATORIES, INC.		10236 BUNKER RIDGE RD.	KANSAS CITY 64137
*	MIDWEST RESEARCH INSTITUTE		425 VOLKER BLVD.	KANSAS CITY 64114
*	MISSOURI ANALYTICAL LAB. INC.			ST. LOUIS 63103
*	MONSANTO COMPANY		800 N LINDBERGH BLVD	ST LOUIS 63166
*	NORTHEAST MISSOURI STATE UNIV.			KIRKSVILLE 63501
*	PHILIPS ROXANE, INC.		2621 N. BELT HIGHWAY	ST. JOSEPH 64502
*	RALSTON PURINA CO.		CHECKERBOARD SQUARE	ST LOUIS 63188
*	SCIENTIFIC ASSOCIATES, INC.		6200 S. LINDBERGH	ST. LOUIS 63123
*	SIGMA INTERNATIONAL, LTD.		3500 DEKALB ST.	ST. LOUIS 63129
*	SMITH KLINE CLINICAL LABS. INC.		11636 ADMINISTRATION DR.	CREVE COEUR 63141
*	ST. JOHN'S MERCY HOSPITAL		621 S. NEW BALLAS ROAD	ST. LOUIS 63141
*	ST. LOUIS COLLEGE OF PHARMACY		4588 PARKVIEW PLACE	ST. LOUIS 63310
*	ST. LOUIS UNIVERSITY		1402 S. GRAND AVE.	ST. LOUIS 63104
*	ST. MARY'S HOSPITAL		101 MEMORIAL DR.	KANSAS CITY 64108
*	WASHINGTON UNIVERSITY		LINDELL & SKINKER BLVDS.	ST. LOUIS 63130
*	WILLIAM JEWELL COLLEGE			LIBERTY 64068

MONTANA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	MONTANA STATE UNIVERSITY			BOZEMAN 59715
*	UNIVERSITY OF MONTANA			MISSOULA 59801

NEBRASKA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	CREIGHTON UNIV/SCHOOL OF MED.		629 N. 27TH ST	OMAHA 68131
*	DANA COLLEGE			BLAIR 68008
*	DELLEN, INC.		77TH & SERUM AVE.	RALSTON 67127
*	HARRIS LABORATORIES, INC.		PO BOX 427, 624 PEACH ST	LINCOLN 68501
*	NEBRASKA WESLEYAN UNIVERSITY		50TH & ST. PAUL AVE.	LINCOLN 68504
*	UNIVERSITY OF NEBRASKA		3835 HOLDREGE	LINCOLN 68503
*	WREN VETERINARY PATHOLOGY SERVICE		13116 NORMANDY CIRCLE	OMAHA 68137

NEVADA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	UNIVERSITY OF NEVADA			RENO 89507

NEW HAMPSHIRE
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	DARTMOUTH COLLEGE		PO BOX 432	HANOVER 03755
*	KEENE STATE COLLEGE			KEENE 03431
*	UNIVERSITY OF NEW HAMPSHIRE		SPAULDING BLDG.	DURHAM 03824

NEW JERSEY
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	AFFILIATED MED. BIO. RES. INC		PO BOX 57	PRINCETON 08540
*	BECTON, DICKINSON & COMPANY		MACK CENTRE DRIVE	PARAMUS 07652
*	BIO-SAFETY RESEARCH LABS.		MILK & BROAD STS.	BRANCHVILLE 07826
*	BIO-TOXICOLOGY LABS.		PO BOX 267 CREEK & COX RDS.	MOORESTOWN 08057
*	BIO/DYNAMICS INC		P.O. BOX 43	EAST MILLSTONE 48873
*	BIOMETRIC TESTING, INC.		375 SYLVAN AVENUE	ENGLEWOOD CLIFFS 07632
*	BRISTOL-MYERS PRODUCTS		225 LONG AVE.	HILLSIDE 07205
*	CAMPBELL SOUP COMPANY		375 MEMORIAL AVE.	CAMDEN 08101
*	CIBA PHARMACEUTICAL CO.		556 MORRIS AVE.	SUMMIT 07901
*	CLINICAL SCIENCES, INC.		30 TROY RD.	WHIPPANY 07981
*	COLGATE-PALMOLIVE CO.		909 RIVER RD.	PISCATAWAY 08854
*	COLL. OF MED & DENISTRY OF NJ		PO BOX 101	PISCATAWAY 08854
*	CONSUMER PROD. TESTING CO, INC		1275 BLOOMFIELD AVE, BLDG. #2 -158	FAIRFIELD 07006
*	COOPER LABORATORIES, INC.		110 E. HANOVER AVE.	CEDAR KNOLLS 07927
*	COSMOPOLITAN SAFETY EVAL. INC		76 FOURTH ST.	SOMERVILLE 08876
*	COUNTY COLLEGE OF MORRIS		RT #10 & CENTER GROVE RD	DOVER 07801
*	CYANAMID FNDN. FOR AGRI. DEV.		PO BOX 400	PRINCETON 08540
*	ETHICON RESEARCH FOUNDATION		U.S. HIGHWAY 22	SOMERVILLE 08876
*	FAIRLEIGH DICKINSON UNIV.		1000 RIVER ROAD	TEANECK 07666
*	FOOD & DRUG RES. LAB., INC.		60 EVERGREEN PLACE	EAST ORANGE 07018
*	FOSTER D. SNELL, INC.		66 HANOVER RD.	FLORHAM PARK 07932
*	HACKENSACK HOSPITAL		HOSPITAL PLACE	HACKENSACK 07601
*	HAZLETON/PRIME LABS, INC.		PO BOX 646	FARMINGDALE 07727
*	HOECHST-ROUSSEL PHARMACEUT.		RT. 202-206 NORTH	SOMERVILLE 08876
*	HOFFMAN-LA ROCHE, INC.		340 KINGSLAND ST.	NUTLEY 07110
*	INSTITUTE FOR MEDICAL RES.		COPEWOOD ST.	CAMDEN 08103
*	JOHNSON & JOHNSON RES. FNDN.		ROUTE 1	N. BRUNSWICK 08903
*	LEBERCO LABORATORIES		123 HAWTHORNE ST.	ROSELLE PARK 07204
*	LEVER BROS. CO		45 RIVER RD.	EDGEWATER 07020
*	MANZIANO, DR. CLARENCE F.		603 WESTSIDE AVE.	JERSEY CITY 07304
*	MCGEE LABORATORIES, INC.		2651 HILL RD	PARSIPPANY 07054
*	MERCK & CO., INC.		126 E. LINCOLN AVE.	RAHWAY 07065
*	MONMOUTH MEDICAL CENTER		3RD & PAVILION AVE.	LONG BRANCH 07740
*	N.J. COLLEGE OF MEDICINE/DEN		100 BERGEN ST.	NEWARK 07103
*	N.J. STATE DEPT. OF HEALTH		BOX 1540	TRENTON 08625
*	NEWARK BETH ISRAEL HOSPITAL		201 LYONS AVE.	NEWARK 07112
*	ORGANON, INC.		375 MT. PLEASANT AVE.	WEST ORANGE 07052
*	ORTHO DIAGNOSTICS, INC.		ROUTE 202	RARITAN 08869
*	ORTHO RESEARCH INSTITITE		U.S. HIGHWAY 202	RARITAN 08869

NEW JERSEY
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	PITMAN-MOORE, INC.		PO BOX 344	WASHINGTON CROSSING 08560
*	PRINCETON LAB. PRODUCTS CO.		1 CHERRY HILL RD. BOX 512	PRINCETON 08540
*	REED & CARNRICK		30 BORIGHT AVE.	KENILWORTH 07033
*	RUTGERS, THE STATE UNIVERSITY			NEW BRUNSWICK 08903
*	S. MOUNTAIN LIFE SCIENCES, INC.		1102 INDUSTRIAL PKWY.	BRICKTOWN 08723
*	SANDOZ PHARMACEUTICALS			HANOVER 07936
*	SCHERING CORP.		60 ORANGE ST.	BLOOMFIELD 07003
*	SETON HALL UNIVERSITY			SOUTH ORANGE 07079
*	SOUTH MOUNTAIN LABS, INC.		380 LACKAWANNA PL	S ORANGE 07079
*	SQUIBB AGRI. RESEARCH CNTR		3 BRIDGES RD.	THREE BRIDGES 08887
*	ST. BARNABAS MEDICAL CENTER		OLD SHORT HILLS ROAD	LIVINGSTON 07039
*	ST. MICHAEL'S HOSPITAL		306 HIGH ST.	NEWARK 07102
*	SYLVANIA COMPANY, INC.		22 E. WILLOW ST.	MILLBURN 07041
*	TRUSTEES OF PRINCETON UNIV.		NEW SOUTH BLDG.	PRINCETON 08540
*	U.S. TESTING CO., INC.		1415 PARK AVE.	HOBOKEN 07070
*	UNIVERSITY LABORATORIES, INC.		810 N. SECOND AVE.	HIGHLAND PARK 08904
*	VINELAND LABORATORIES, INC.			VINELAND 08360
*	WARNER-LAMBERT RESEARCH INST.		170 TABOR RD.	MORRIS PLAINS 07950
*	WELLS LABS., INC.		25-27 LEWIS AVE.	JERSEY CITY 07306
*	WILLIAM PATERSON COLLEGE		300 POMPTON RD.	WAYNE 07470

NEW MEXICO
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	EASTERN NM UNIVERSITY			PORTALES 88130
*	LOS ALAMOS SCIENTIFIC LAB.		PO BOX 1663	LOS ALAMOS 87545
*	LOVELACE FOUNDATION		5200 GIBSON BLVD.	ALBUQUERQUE 87108
*	N.M. INST. OF MINING & TECH.			SOCORRO 87801
*	REGENTS OF NM STATE UNIV.		BOX 3699	LAS CRUCES 88003
*	UNIVERSITY OF NEW MEXICO			ALBUQUERQUE 87106

NEW YORK
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	AGWAY RESEARCH LABORATORY		777 WARREN RD.	ITHACA 14850
*	ALBANY COLLEGE OF PHARMACY		106 N. SCOTLAND AVE.	ALBANY 12208
*	ALBANY MEDICAL COLLEGE		47 NEW SCOTLAND AVE.	ALBANY 12208
*	ALFRED UNIVERSITY			ALFRED 14802
*	AM STANDARDS TESTING BUR. INC		40 WATER ST.	NEW YORK 10004
*	AM. MUSEUM OF NATURAL HISTORY		CENTRAL PARK WEST AT 79 ST.	NEW YORK 10024
*	AMERICAN CYANAMID CO.		N. MIDDLETOWN RD.	PEARL RIVER 10965
*	AMERICAN HEALTH FOUNDATION		1370 AVENUE OF THE AMERICAS	NEW YORK 10019
* X	ANIMAL MEDICAL CENTER		510 E. 62ND ST.	NEW YORK 10021
*	ARNOT-OGDEN MEMORIAL HOSPITAL		ROE AVE.	ELMIRA 14901
*	ASSOCIATED UNIVERSITIES, INC.			UPTON 11973
*	AVON PRODUCTS, INC.		9 W. 57TH ST.	NEW YORK 10019
*	AYERST RESEARCH LABORATORIES			CHAZY 12921
*	B THOMPSON INST PLANT RES INC		1086 N. BROADWAY	YONKERS 10701
*	BETH ISRAEL MEDICAL CENTER		10 NATHAN D. PERLMAN PL.	NEW YORK 10003
*	BOOTH MEMORIAL HOSPITAL		MAIN ST. AT BOOTH MEMORIAL AVE.	FLUSHING 11355
*	BRISTOL LABORATORIES		PO BOX 657	SYRACUSE 13201
*	BRONX-LEBANON HOSPITAL CENTER		1276 FULTON AVE.	BRONX 10456
*	BROOKDALE HOSPITAL CENTER		BROOKDALE PLAZA	BROOKLYN 11212
* X	BROOKLYN HOSPITAL		121 DEKALB AVE.	BROOKLYN 11201
*	BUFFALO GENERAL HOSPITAL		100 HIGH ST.	BUFFALO 14203
* X	BUFFALO TESTING LABS., INC.		902 KENMORE AVENUE	BUFFALO 14216
*	BUREAU OF LABS., CITY OF NY		455 FIRST AVENUE	NEW YORK 10016
*	CANISIUS COLLEGE		2001 MAIN ST.	BUFFALO 14208
*	CARTER-WALLACE, INC.		767 FIFTH AVE.	NEW YORK 10022
*	CATTARAUGUS COUNTY LABORATORY		302 LAURENE ST.	OLEAN 14760
*	CENTER LABORATORIES, INC.		35 CHANNEL DR.	PORT WASHINGTON 11050
*	CHILDRENS HOSP. OF BUFFALO		219 BRYANT ST.	BUFFALO 14222
*	COLD SPRINGS HARBOR LAB.			COLD SPRINGS HARBOR 11724
*	COLGATE UNIVERSITY			HAMILTON 13346
*	COLUMBIA UNIVERSITY		115 W. 68TH ST.	NEW YORK 10023
*	CORNELL UNIV. MEDICAL COLLEGE		1300 YORK AVE.	NEW YORK 10021
*	CORNELL UNIVERSITY			ITHACA 14850
*	CORNING GLASS WORKS		SULLIVAN PARK	CORNING 14830
* X	D'YOUVILLE COLLEGE		320 PORTER AVE.	BUFFALO 14201
*	E.J. MEYER MEMORIAL HOSPITAL		462 GRIDER ST.	BUFFALO 14215

NEW YORK
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	EASTMAN DENTAL CENTER		800 MAIN ST., E.	ROCHESTER 14603
*	EASTMAN KODAK CO.		KODAK PARK	ROCHESTER 14650
*	ELMIRA COLLEGE		COLLEGE AVENUE	ELMIRA 14901
*	ENDO LABORATORIES, INC.		1000 STEWART AVE.	GARDEN CITY 11533
*	ERIE COMMUNITY COLLEGE		4140 S WESTERN BLVD	ORCHARD PARK 14127
*	FORDHAM UNIVERSITY		E. FORDHAM RD.	BRONX 10458
*	GEIGY CHEMICAL CORP.		444 SAW MILL RIVER RD	ARDSLEY 10502
*	GENERAL FOODS CORP.		250 NORTH STREET	WHITE PLAINS 10625
*	GENESEE HOSPITAL		224 ALEXANDER ST.	ROCHESTER 14607
*	GR. ATLANTIC & PACIFIC TE A CO		500 ANN PAGE RD.	HORSE HEADS 14845
*	HEALTH RESEARCH, INC.		EMPIRE STATE PLAZA TOWER BLDG	ALBANY 12208
*	HOBARTH & WM. SMITH COLLE GES		ST. CLAIR ST.	GENEVA 14456
*	HOFSTRA UNIVERSITY		HEMPSTEAD TPK	HAMPSTEAD 11550
*	HOUGHTON COLLEGE			HOUGHTON 14744
*	HUDSON VALLEY COMM. COLLE GE		80 VANDENBURGH AVE.	TROY 12180
*	JAMESTOWN COMMUNITY COLLE GE		525 FALCONER ST.	JAMESTOWN 14701
*	JEWISH HOSP/MED CTR/BROOK LYN		555 PROSPECT PLACE	BROOKLYN 11238
*	KINGSBROOK JEWISH MED. CN TR.		86 E. 49TH ST.	BROOKLYN 11203
*	LENOX HILL HOSPITAL		100 E. 77TH ST.	NEW YORK 10021
*	LONG ISLAND COLLEGE HOSPI TAL		340 HENRY ST.	BROOKLYN 11201
*	LONG ISLAND JEWISH MED. C NTR.		270-05 76 AVE.	NEW HYDE PARK 11040
*	LONG ISLAND UNIVERSITY		UNIVERSITY CENTER	BROOKVILLE 11548
*	MAIMONIDES MEDICAL CENTER		4802 TENTH AVE.	BROOKLYN 11219
*	MANHATTAN EYE EAR/THROAT HOSP		210 E. 64 ST.	NEW YORK 10021
*	MARY IMOGENE BASSET HOSPI TAL		ATWELL RD.	COOPERSTOWN 13326
*	MASONIC MEDICAL RESEARCH LAB.		BLEECKER ST.	UTICA 13501
*	MEDICAL FOUNDATION OF BUF FALO		73 HIGH ST.	BUFFALO 14203
*	MERCY HOSPITAL ASSOCIATIO N. L.G.H. LABORATORY		1000 N. VILLAGE AVE.	ROCKVILLE CENTER 11570
*	METHODIST HOSP. OF BROOKL YN		506 SIXTH ST.	BROOKLYN 11215
*	MILLARD FILLMORE HOSPITAL		3 GATES CIRCLE	BUFFALO 14207
*	MONTEFIORE HOSP. & MED. C NTR.		111 E. 210 ST.	BRONX 10467
*	MT. SINAI SCHOOL OF MEDIC INE		100 ST. & 5TH AVE.	NEW YORK 10029
*	N.Y. DEPT. OF MENTAL HYGI ENE		44 HOLLAND AVE.	ALBANY 12229
*	N.Y.C. HEALTH & HOSP. COR P.		125 WORTH ST.	NEW YORK 10013

NEW YORK
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	NACC TESTING & RESEARCH LAB.		80 HANSON PL.	BROOKLYN 11217
*	NASSAU COUNTY MEDICAL CTR.		2201 HEMPSTEAD TURNPIKE	EAST MEADOW 11554
*	NASSAU HOSPITAL		FIRST ST.	MINEOLA 11501
*	NEW YORK MEDICAL COLLEGE		FIFTH AVENUE AT 106 ST.	NEW YORK 10029
*	NEW YORK STATE HEALTH DEPT., DIVISION OF LABORATORIES & RESEARCH		TOWER BLDG.-EMPIRE STATE PLAZA	ALBANY 12201
*	NEW YORK UNIVERSITY		WASHINGTON SQUARE	NEW YORK 10003
*	NORTH SHORE HOSPITAL		VALLEY ROAD	MANHASSET LONG IS. 11030
*	NORWICH PHARMACAL CO.		PO BOX 191	NORWICH 13815
*	NY BLOOD CENTER		310 E. 67 ST.	NEW YORK 10021
*	PFIZER, INC.		235 E. 42ND ST.	NEW YORK 10017
*	PHILIP D. WILSON RES. FND N.		535 E. 70TH ST.	NEW YORK 10021
* X	POLYTECHNIC INST. OF BROOKLYN		333 JAY ST.	BROOKLYN 11201
*	POPULATION COUNCIL		245 PARK AVE.	NEW YORK 10017
*	PUBLIC HEALTH RES INST OF NYC		455 FIRST AVENUE	NEW YORK 10016
*	QUEENS HOSPITAL CENTER		82-68 164TH ST.	JAMICA 11432
*	RENSSELAER POLYTECHNIC INST.			TROY 12181
* X	RFS INST FOR SKELETOMUSCULAR DIS.		1919 MADISON AVE.	NEW YORK 10035
*	RFS. FNDN./CITY UNIV. OF N.Y.		505 PARK AVE.	NEW YORK 10022
*	RESEARCH INST. ON ALCOHOLISM		1021 MAIN ST.	BUFFALO 14203
*	REVLON RESEARCH CENTER, INC.		945 ZEREGA AVE.	BRONX 10473
*	ROCHESTER GENERAL HOSPITAL		1425 PORTLAND AVE.	ROCHESTER 14621
*	ROCHESTER INSTITUTE OF TECH.		1 LOMB MEMORIAL DR.	ROCHESTER 14623
*	ROCKEFELLER UNIVERSITY		YORK AVE. AT 66TH ST.	NEW YORK 10021
*	ROOSEVELT HOSPITAL		428 W. 59TH ST.	NEW YORK 10019
*	S SHORE ANALYTICAL & RES. LAB		148 ISLIP AVE.	ISLIP 11751
*	SCHWARTZ COLL. OF PHARMACY		75 DEKALB AVE.	BROOKLYN 11201
*	SKIDMORE COLLEGE			SARATOGA SPRINGS 128661
*	SLOAN-KETTERING INST./CANCER		410 E. 68TH ST.	NEW YORK 10021
* X	ST. BARNABAS HOSPITAL		183RD & THIRD STS.	BRONX 10457
*	ST. BONAVENTURE UNIVERSITY			ST. BONAVENTURE 14778
* X	ST. CLARE'S HOSP & HEALTH CTR		415 W. 51 ST	NEW YORK 10019
*	ST. JOHN FISHER COLLEGE		3690 EAST AVE.	ROCHESTER 14618
*	ST. JOHN'S UNIVERSITY		GRAND CENTRAL UTOPIA PARKWAYS	JAMAICA 11432

NEW YORK
02/22/79

TA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ST. JOSEPH'S HOSP. HEALTH CTR		301 PROSPECT AVE.	SYRACUSE 13203
*	ST. LAWRENCE UNIVERSITY			CANTON 13617
*	ST. LUKE'S HOSPITAL CENTER		AMSTERDAM AT W. 114TH ST.	NEW YORK 10025
*	ST. MARY'S HOSPITAL		89 GENESEE ST.	ROCHESTER 14611
*	ST. VINCENT'S HOSP & MED CNTR		153 W. 11TH ST.	NEW YORK 10011
*	STANDARD BRANDS, INC.		625 MADISON AVE.	NEW YORK 10022
*	STATE UNIVERSITY OF NEW YORK		UNIVERSITY PLAZA RM. 415-S	ALBANY 12201
*	STERLING DRUG, INC.		COLUMBIA TURNPIKE	RENSSELAER 12144
*	SYRACUSE UNIVERSITY		130 COLLEGE PL.	SYRACUSE 13210
*	TISSUE CULTURE ASSOC., INC.		PO BOX 631	LAKE PLACID 12946
*	TRUDEAU INSTITUTE, INC.		ALGONQUIN AVE.	SARANAC LAKE 12983
*	TRUSTEES OF COLUMBIA UNIV.		BOX 20, LOW MEMORIAL LIBRARY	NEW YORK 10027
*	UNION CARBIDE CORP.		401 THEODORE FREMD AVE.	RYE 10580
*	UNIVERSITY OF ROCHESTER		RIVER BLVD.	ROCHESTER 14627
*	USV PHARMACEUTICAL CORP.		1 SCARSDALE RD.	TUCKAHOE 10701
* X	WESTCHESTER COUNTY MED. CNTR.			VALHALLA 10595
*	WESTWOOD PHARMACEUTICALS, INC.		468 DEWITT ST.	BUFFALO 14213
*	WILSON MEM HOSP HEART-LUNG LB			JOHNSON CITY 13790
*	YESHIVA UNIVERSITY		55 FIFTH AVE.	NEW YORK 10003

NORTH CAROLINA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	APPALACHIAN STATE UNIVERSITY			BOONE 28608
*	BURROUGHS WELLCOME CO.		3030 CORNWALLIS RD.	RES. TRIANGLE PARK 27709
*	CARNIVORE EVOLUTIONARY RESEARCH INSTITUTE		ROUTE 3 BOX 180	PITTSBORO 27311
*	CHEM INDUS INST OF TOXICOLOGY		PO BOX 12137	RES. TRIANGLE PARK 27709
*	DUKE UNIVERSITY			DURHAM 27706
*	EAST CAROLINA UNIVERSITY			GREENVILLE 27834
*	GREER LABORATORIES, INC.		BOX 800	LENOIR 28645
*	HEINEMAN MED. RES. CNTR.		CHARLOTTE MEMORIAL HOSP.	CHARLOTTE 28234
*	LORILLARD RESEARCH CENTER		420 ENGLISH ST.	GREENSBORO 27420
*	N. CAROLINA STATE UNIVERSITY			RALEIGH 27607
*	RESEARCH TRIANGLE INSTITUTE		PO BOX 12194	RES. TRIANGLE PARK 27709
*	UNIV. OF N.C. AT CHARLOTTE			CHARLOTTE 28205
*	UNIV. OF N.C. AT WILMINGTON		7205 WRIGHTSVILLE AVE.	WILMINGTON 28401
*	UNIVERSITY OF NORTH CAROLINA			CHAPEL HILL 27514
*	WAKE FOREST UNIVERSITY			WINSTON-SALEM 27109
*	WESTERN CAROLINA UNIVERSITY			CULLOWHEE 28723

NORTH DAKOTA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	MINOT STATE COLLEGE			MINOT 58701
*	NORTH DAKOTA STATE UNIVERSITY			FARGO 58102
*	UNIVERSITY OF NORTH DAKOTA		SCHOOL OF MEDICINE	GRAND FORKS 58201

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ADRIA LABORATORIES, INC.		6071 ST. RT. 161 E.	PLAIN CITY 43064
*	AKRON CITY HOSPITAL		525 E. MARKET ST.	AKRON 44309
* X	AKRON GENERAL MEDICAL CEN TER		400 WABASH AVE.	AKRON 44307
*	ALLERGY LABS. OF OHIO, IN C.		623 E. 11 AVE.	COLUMBUS 43211
*	BALDWIN-WALLACE COLLEGE			BEREA 44017
*	BATELLE MEMORIAL INSTITUT E		505 KING AVE.	COLUMBUS 43201
*	BEN VENUE LABS, INC		270 NORTHFIELD RD	BEDFORD 44146
*	BOWLING GREEN STATE UNIV.			BOWLING GREEN 43402
* X	CAPITAL UNIVERSITY			COLUMBUS 43209
*	CASE WESTERN RESERVE		UNIVERSITY CIRCLE	CLEVELAND 44106
*	CENTRAL STATE UNIVERSITY		BANNEKER SCIENCE HALL	WILBERFORCE 45384
*	CHARLES F. KETTERING RES. LAB.		150 E. SOUTH COLLEGE ST.	YELLOW SPRINGS 45387
*	CHILDREN'S HOSPITAL		ELLAND AVE. & BETHESDA	CINCINNATI 45229
*	CHILDREN'S HOSPITAL OF AK RON		BUCHTEL AVE. AT BOWERY ST.	AKRON 44308
*	CHILDRENS RES. FNDN		561 S 17TH ST	COLUMBUS 43205
*	CHRIST HOSP. INST. OF MED RES		2141 AUBURN AVE.	CINCINNATI 45219
*	CINCINNATI MILACRON, INC.		4701 MARBURG AVE.	CINCINNATI 45209
*	CLEVELAND CLINIC FOUNDATI ON		2020 E. 93RD ST.	CLEVELAND 44120
*	CLEVELAND STATE UNIVERSIT Y		1983 E. 24TH ST.	CLEVELAND 44115
*	COLLEGE OF WOOSTER			WOOSTER 44691
*	COLUMBUS TECHNICAL INSTIT UTE		550 E. SPRING ST.	COLUMBUS 43215
*	CREATIVE BIOLOGY LAB., IN C.		3070 CLEVELAND-MASSILON RD.	BARBERTON 44203
* X	CUYAHOGA COMMUNITY COLLEG E		700 CARNEGIE AVE.	CLEVELAND 44115
*	DENISON UNIVERSITY			GRANVILLE 43023
*	DIAMOND SHAMROCK CORP.		PO BOX 348	PAINESVILLE 44077
*	ELYRIA MEMORIAL HOSPITAL		630 E. RIVER ST.	ELYRIA 44035
*	FAIRVIEW GENERAL HOSPITAL		18101 LORAIN AVE.	CLEVELAND 44111
*	GOOD SAMARITAN HOSPITAL		3217 CLIFTON AVE.	CINCINNATI 45220
*	GRADY INVESTMENT CORP.		9211 WINTON RD	CINCINNATI 45231
*	HILL TOP RESEARCH, INC.			MIAMIVILLE 45147
*	HIRAM COLLEGE BIOLOGICAL STA.		PO BOX 1838	HIRAM 44234
*	HURON ROAD HOSPITAL		13951 TERRACE ROAD	CLEVELAND 44112
*	JOHN CARROLL UNIVERSITY			CLEVELAND 44118
*	KENT STATE UNIVERSITY			KENT 44240
*	LAKELAND COMMUNITY COLLEG E			MENTOR 44060
* X	MARIETTA COLLEGE			MARIETTA 45750
*	MEDICAL COLLEGE OF OHIO		PO BOX 6190	TOLEDO 43614
*	MERRELL-NATIONAL LABORATO RIES		110 E. AMITY RD.	CINCINNATI 45215
*	MIAMI UNIVERSITY		OFFICE OF THE PRESIDENT	OXFORD 45056

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	MIAMI VALLEY HOSPITAL		1 WYOMING ST.	DAYTON 45409
*	MOGUL CORPORATION			CHAGRIN FALLS 44022
*	MT. SINAI HOSPITAL		UNIVERSITY CIRCLE	CLEVELAND 44106
*	MUSKINGUM COLLEGE			NEW CONCORD 43762
*	NORTH AM. SCIENCE ASSOC., INC		2261 TRACY RD.	NORTHWOOD 43605
*	NORTHEASTERN OHIO UNIV		RT 44	ROOTSTOWN 44272
*	OBERLIN COLLEGE			OBERLIN 44074
*	OHIO DEPARTMENT OF HEALTH		1571 PERRY ST., PO BOX 2568	COLUMBUS 43216
*	OHIO NORTHERN UNIVERSITY			ADA 45810
*	OHIO STATE UNIVERSITY		190 N OVAL DR	COLUMBUS 43210
*	OHIO UNIVERSITY			ATHENS 45701
*	OHIO WESLEYAN UNIVERSITY			DELAWARE 43015
*	OTTERBEIN COLLEGE			WESTERVILLE 43081
*	PROCTOR & GAMBLE CO.		PO BOX 39175	CINCINNATI 45239
*	RHODIA, INC.		ROUTE 250	ASHLAND 44805
*	SPRINGBORN INST. FOR BIO. RES		553 N. BROADWAY ST.	SPENCERVILLE 45887
*	ST. ELIZABETH HOSPITAL		1044 BELMONT AVE.	YOUNGSTOWN 44512
*	ST. LUKE'S HOSPITAL		11311 SHAKER BLVD.	CLEVELAND 44104
*	ST. THOMAS HOSPITAL OF AKRON, OHIO		444 NORTH MAIN ST.	AKRON 44310
*	ST. VINCENT CHARITY HOSPITAL		2351 E. 22ND ST.	CLEVELAND 44115
*	ST. VINCENT HOSPITAL & MEDICAL CENTER		2213 CHERRY ST.	TOLEDO 43608
*	UNIVERSITY OF AKRON			AKRON 44304
*	UNIVERSITY OF CINCINNATI		CLIFTON AVE.	CINCINNATI 45221
*	UNIVERSITY OF DAYTON		300 COLLEGE PARK	DAYTON 45469
*	UNIVERSITY OF TOLEDO		2801 W. BANCROFT ST.	TOLEDO 43606
*	W.I.L. RESEARCH LABS., INC		3154 EXON AVE.	CINCINNATI 45241
*	WITTENBERG UNIVERSITY			SPRINGFIELD 45501
*	WRIGHT STATE UNIVERSITY		COL. GLENN HIGHWAY	DAYTON 45431
*	XAVIER UNIVERSITY		VICTORY PARKWAY	CINCINNATI 45207
*	YOUNGSTOWN STATE UNIVERSITY		410 WICK AVE.	YOUNGSTOWN 44503

OKLAHOMA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BAPTIST MEMORIAL HOSPITAL		5800 NW GRAND BLVD.	OKLAHOMA CITY 73112
*	OK COLL/OSTEOP. MED & SURGERY		1111 W. 17TH ST.	TULSA 74101
*	OK MEDICAL RESAERCH FOUND.		825 NE 13TH ST.	OKLAHOMA 73104
*	OK STATE DEPT. OF HEALTH		3400 N. EASTERN	OKLAHOMA CITY 73105
*	OK STATE UNIV/AGR. & APP. SCI			STILLWATER 74074
*	OKLAHOMA CITY UNIVERSITY		2501 N. BLACKWELDER	OKLAHOMA 73106
*	SOUTHWESTERN STATE COLLEGE			WEATHERFORD 73096
*	UNIVERSITY OF OKLAHOMA		660 PARRINGTON OVAL	NORMAN 73069

OREGON
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ANIMAL HEALTH LABORATORY		635 CAPITOL ST NE	SALEM 97310
*	BIOPRODUCTS, INC.		BOX 429	WARRENTON 97146
*	GOOD SAMARITAN HOSP & MED CTR		1015 NW 22ND AVE.	PORTLAND 97210
*	OR REGIONAL PRIMATE RFS. CTR.		505 NW 185TH AVE.	BEAVERTON 97005
*	OREGON COLLEGE OF EDUCATION		345 MONMOUTH AVE.	MONMOUTH 97361
*	OREGON STATE UNIVERSITY			CORVALLIS 97331
*	PACIFIC UNIVERSITY			FOREST GROVE 97116
*	PCL-RIA, INC.		1406 SE STARK ST.	PORTLAND 97214
*	PORTLAND STATE UNIVERSITY		PO BOX 751	PORTLAND 97207
*	PROVIDENCE MEDICAL CENTER		700 N.E. 47TH AVE.	PORTLAND 97213
*	UNIV. OF OREGON DENTAL SCHOOL		611 SW CAMPUS DR.	PORTLAND 97201
*	UNIV/OREGON MED SCHOOL		3181 SW SAM JACKSON PK RD	PORTLAND 97201
*	UNIVERSITY OF OREGON			EUGENE 97403

PENNSYLVANIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ALBERT EINSTEIN MEDICAL C NTR.		YORK & TABOR RDS.	PHILADELPHIA 19141
*	ALLEGHENY SINGER RESEARCH CORP		320 E. NORTH AVE.	PITTSBURGH 15212
*	ALLEN PRODUCTS CO., INC.		PO BOX 2187,RD #3	ALLENTOWN 18001
*	ARCO MEDICAL PRODUCTS CO.		RT 66 & RIVER RD.	LEECHBURG 15656
*	BIOSEARCH, INC.		PO BOX 8598	PHILDELPHIA 19101
*	BRYN MAWR COLLEGE			BRYN MAWR 19010
*	BUCKNELL UNIVERSITY			LEWISBURG 17837
*	BUCKSHIRE CORPORATION		2025 RIDGE RD.	PERKASIE 18944
*	BURRON MEDICAL LABS., INC		824 TWELFTH AVE.	BETHLEHEM 18018
*	CALIFORNIA STATE COLLEGE			CALIFORNIA 15419
*	CANNON LABORATORIES		PO BOX 3627	READING 19605
*	CARNEGIE-MELLON UNIVERSIT Y		5000 FORBES AVE	PITTSBURGH 15213
*	CDC RESEARCH, INC.		PO BOX 359	CLARKS SUMMIT 18411
*	CENTRE SQU. VETERINARY CL INIC		1030 DEKALB PIKE	CENTRE SQUARE 19422
*	CHILDREN'S HOSP OF PHILA.		1 CHILDRENS CENTER	PHILADELPHIA 19104
*	COLLEGE MISERICORDIA			DALLAS 18612
*	CONNAUGHT LABORATORIES, I NC.			SWIFTWATER 18370
*	CONTRIBUTORS TO THE PA HO SP.		8TH & SPRUCE STS.	PHILADELPHIA 19107
*	CORATOMIC, INC.		PO BOX 434	INDIANA 15701
* X	D. GUTHRIE FNDN. FOR MED. RES.		200 S. WILBUR AVE.	SAYRE 18840
*	DALMATIAN RESEARCH FOUND.	DALMATIAN RESEARCH FOUNDATION	720 WOODBURY RD	YORK 17403
*	DREXEL INST. OF TECHNOLOG Y		32ND & CHESTNUT ST.	PHILADELPHIA 19104
*	DUQUESNE UNIVERSITY			PITTSBURGH 15219
*	EASTERN PA PSYCHIATRIC IN ST.		HENRY AVE. & ABBOTTSFORD	PHILADELPHIA 19129
*	FEDERATED MEDICAL RESOURC ES		RD 2	HONEY BROOK 19344
*	FISHER SCIENTIFIC CO.		711 FORBES AVE.	PITTSBURGH 15219
*	GENERAL ELECTRIC CO.		VALLEY FORGE SPACE CENTER	KING OF PRUSSIA 19406
*	HAHNEMANN MED. COLLEGE & HOSP		230 N. BROAD ST.	PHILADELPHIA 19102
*	HAMOT MEDICAL CENTER		PO BOX 339	ERIE 16512
*	HARCUM JUNIOR COLLEGE		MORRIS & MONTGOMERY AVE.	BRYN MAWR 19010
*	INDIANA UNIV. OF PENNSYLV ANIA			INDIANA 15701
*	INSTITUTE FOR CANCER RESE ARCH		7701 BURHOLME AVE.	PHILADELPHIA 19111
*	JEFFERSON MED. COLL. OF P HILA		1025 WALNUT ST.	PHILADELPHIA 19107
*	LANKENAU HOSPITAL		LANCASTER & CITY LINE AVES.	PHILADELPHIA 19151
*	LAWALL/HARRISON RES. LABS INC		2505 CHRISTIAN ST.	PHILADELPHIA 19146
*	LEHIGH UNIVERSITY			BETHLEHEM 18015
* X	LINCOLN UNIVERSITY			LINCOLN UNIVERSITY 19352
*	LYCOMING COLLEGE			WILLIAMSPORT 17701

PENNSYLVANIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	M.B. RESEARCH LABS., INC.		STEINBERG & WENTZ RDS.	PERKASIE 18944
*	MCNEIL LABORATORIES, INC.		CAMP HILL RD.	FT. WASHINGTON 19034
*	MEDIAN SCH. OF HEALTH CAREER		12 EIGHT ST.	PITTSBURGH 15222
*	MEDICAL COLLEGE OF PENNA.		3300 HENRY AVE.	PHILADELPHIA 19129
*	MERCY CATHOLIC MEDICAL CENTER		LANSDOWNE AVE.	DARBY 19023
*	MONELL CHEMICAL SENSES CTR		3500 MARKET ST	PHILADELPHIA 19104
*	MORAVIAN COLLEGE		MAIN & ELIZABETH AVE.	BETHLEHEM 18018
*	PA COLLEGE OF PODIATRIC MED.		8TH AT RACE ST.	PHILADELPHIA 19107
*	PENNSYLVANIA DEPT. OF HEALTH		PICKERING WAY & WELSH POOL RD.	LIONVILLE 19353
*	PENNSYLVANIA STATE UNIVERSITY		207 OLD MAIN	UNIVERSITY PARK 16802
*	PENNWALT CORPORATION		3 PENN CENTER	PHILADELPHIA 19102
*	PENROSE RESEARCH LABORATORY		34TH ST. & GIRARD AVE.	PHILADELPHIA 19104
*	PHARMACHEM CORP.		719 STEFKO BLVD.	BETHLEHEM 18018
*	PHARMACOLOGY RESEARCH, INC		21 MAIN ST	DARBY 19023
*	PHARMAKON LABORATORIES		1140 QUINCY AVE.	SCRANTON 18510
*	PHIL. COLL OF PHARM & SCIENCE		43RD ST. & KINGSESSING AVE.	PHILADELPHIA 19104
*	PHILA. COLL. OF OSTEOP. MED.		4150 CITY LINE AVE.	PHILADELPHIA 19139
*	PRESBYTERIAN-UNIVERSITY OF PA		51 N. 39TH ST.	PHILADELPHIA 19104
*	RACHELWOOD WILDLIFE PRESERVE		RD 1	NEW FLORENCE 15944
*	ROHM & HAAS COMPANY		NORRISTOWN & MCKEAN RDS.	SPRINGHOUSE 19477
*	SMITH, KLINE & FRENCH LABS.		1500 SPRING GARDEN ST.	PHILADELPHIA 19101
*	ST. VINCENT COLLEGE			LATROBE 15650
*	SUSQUEHANNA UNIVERSITY			SELINSGROVE 17870
* X	SYNDOT LABORATORIES		1075 NEW DEHAVEN RD.	W. CONSHOHOCKEN 19428
*	TEMPLE UNIVERSITY		BROAD & MONTGOMERY STS.	PHILADELPHIA 19122
*	THE GRADUATE HOSPITAL		19TH & LOMBARD STS.	PHILADELPHIA 19146
*	UNIV. HEALTH CENTER OF PITTS.		TERRACE & DESOTO STS.	PITTSBURGH 15213
*	UNIVERSITY OF PENNSYLVANIA		101 COLLEGE HALL	PHILADELPHIA 19104
*	W. L. CLAPPEL LABS., INC.		THUD RIDGE FARM	COCHRANVILLE 19330
*	WESTERN PENNSYLVANIA HOSPITAL		4800 FRIENDSHIP AVE.	PITTSBURGH 15224
*	WESTINGHOUSE CORP.		1310 BEULAH RD.	PITTSBUGH 15235
*	WHITMOYER LABORATORIES, INC.		19 N. RAILROAD ST.	MYERSTOWN 17067
*	WILLIAM H. RORER, INC.		500 VIRGINIA DR.	FORT WASHINGTON 19034
*	WILLS EYE HOSP. RESEARCH INST		1601 SPRING GARDEN ST.	PHILADELPHIA 19130
*	WISTAR INSTITUTE		36TH & SPRUCE STS.	PHILADELPHIA 19104

PENNSYLVANIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	WYETH LABORATORIES, INC.		PO BOX 8299	PHILADELPHIA 19101

RHODE ISLAND
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BROWN UNIVERSITY		79 WATERMAN ST. BROWN STA.	PROVIDENCE 02912
*	CURRAN, ALTON J. M.D.		314 ANGELL ST.	PROVIDENCE 02906
*	MEMORIAL HOSPITAL		PROSPECT ST.	PAWTUCKET 02860
*	MIRIAM HOSPITAL		164 SUMMIT AVENUE	PROVIDENCE 02906
*	RHODE ISLAND COLLEGE			PROVIDENCE 02908
*	RHODE ISLAND HOSPITAL		593 EDDY ST.	PROVIDENCE 02903
*	ROGER WILLIAMS COLLEGE			BRISTOL 02809
*	ROGER WILLIAMS GENERAL HOSP.		825 CHALKSTONE AVE.	PROVIDENCE 02908
*	UNIVERSITY OF RHODE ISLAND			KINGSTON 02881

SOUTH CAROLINA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	CLEMSON UNIVERSITY			CLEMSON 29631
*	MEDICAL COLLEGE OF S. CAROLINA		80 BARRE ST.	CHARLESTON 29401
*	UNIVERSITY OF SOUTH CAROLINA			COLUMBIA 29208

SOUTH DAKOTA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	SOUTH DAKOTA STATE UNIVERSITY			BROOKINGS 57006
*	UNIVERSITY OF SOUTH DAKOTA			VERMILLION 57069

TENNESSEE
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BAPTIST MEMORIAL HOSPITAL		899 MADISON AVE.	MEMPHIS 38103
*	BEECHAM LABORATORIES		501 FIFTH ST.	BRISTOL 37620
*	EAST TENNESSEE STATE UNIV			JOHNSON CITY 37601
* X	G. PEABODY COLL. FOR TEACHERS		BOX 512	NASHVILLE 37203
*	MEHARRY MEDICAL COLLEGE		1005 18TH AVE. NORTH	NASHVILLE 37208
*	MEMPHIS STATE UNIVERSITY			MEMPHIS 38111
*	OAK RIDGE ASSOC. UNIVERSITIES		PO BOX 117	OAK RIDGE 37830
*	PLOUGH, INC.		3030 JACKSON AVE.	MEMPHIS 38112
*	ST. JUDE CHILDREN'S RES HOSP		PO BOX 318	MEMPHIS 38101
*	UNIVERSITY OF TENNESSEE			KNOXVILLE 37916
*	VANDERBILT UNIVERSITY			NASHVILLE 37203

TEXAS
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ACORN RESEARCH LAB.		3410 OWEN	AUSTIN 78705
*	ALCON LABORATORIES, INC.		PO BOX 1959	FORT WORTH 76101
*	BANDY LABORATORIES		PO BOX 727	TEMPLE 76501
*	BAYLOR COLLEGE OF DENTISTRY		800 HALL ST.	DALLAS 75235
*	BAYLOR UNIVERSITY			WACO 76703
*	BAYLOR UNIVERSITY COLLEGE OF MEDICINE		1200 MOURSUND AVE.	HOUSTON 77025
*	BROWNSVILLE ANIMAL RES. CNTR.		1810 CENTRAL AVE.	BROWNSVILLE 78520
*	CARWILE, DVM, HF		DRAWER 821	MONTGOMERY 77356
*	DALLAS CO. COMM. COLLEGE DIST.		701 ELM	DALLAS 75202
*	FRANKLIN LABORATORIES		PO BOX 669	AMARILLO 79105
*	HELENA LABORATORIES		1530 LINDBERGH DR.	BEAUMONT 77704
*	IMMUNO-REAGENTS ASSOC., INC.		1008 N. RIVER ST.	SEQUIN 78155
*	JOHN H. SHEFTS, M.D., ASSOC.		PO BOX 7016	ODESSA 79760
*	LAMAR UNIVERSITY		BOX 10037 BIOLOGY DEPT	BEAUMONT 77710
*	METHODIST HOSPITAL OF DALLAS		PO BOX 5999	DALLAS 75222
*	PAN AMERICAN UNIVERSITY			EDINBURG 78539
*	REDDEN, DR. DAVID R.		BOX 5218 NT STA.	DENTON 76203
*	RICE UNIVERSITY		PO BOX 1892	HOUSTON 77001
*	SCOTT & WHITE MEMORIAL HOSP.		2401 S. 31ST ST.	TEMPLE 76501
*	SOUTHERN METHODIST UNIVERSITY			DALLAS 75222
*	SOUTHWEST RESEARCH INSTITUTE		8500 CULEBRA RD.	SAN ANTONIO 78206
*	SOUTHWEST TEXAS STATE UNIV.			SAN MARCOS 78666
*	ST. JOSEPH'S HOSPITAL		1919 LA BRANCH	HOUSTON 77002
*	ST. PAUL HOSPITAL		5909 HARRY HINES	DALLAS 75235
*	STILLMEADOW, INC.		3223 LACOSTA DR.	MISSOURI CITY 77459
*	SW FOUNDATION FOR RES. & EDU.		PO BOX 2296-10000 W. COMMERCE	SAN ANTONIO 78206
*	TECHNOLOGY, INC.		8531 N. NEW BRAUNFELS	ST. ANTONIO 78217
*	TEXAS A&M UNIVERSITY			COLLEGE STATION 77843
*	TEXAS CHRISTIAN UNIVERSITY			FT. WORTH 76129

TEXAS
02/22/79

IA ***	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
*	TEXAS EASTERN UNIVERSITY		3900 UNIVERSITY BLVD.	TYLER 75701
*	TEXAS HEART INSTITUTE			HOUSTON 77002
*	TEXAS RESEARCH INSTITUTE OF MENTAL SCIENCES		1300 MOURSUND	HOUSTON 77025
*	TEXAS STATE TECHNICAL INST.		JAMES CONNALLY CAMPUS	WACO 76705
*	TEXAS TECHNICAL UNIVERSITY			LUBBOCK 79409
*	TEXAS WOMAN'S UNIVERSITY		BOX 23971, TWU STATION	DENTON 76204
*	TRINITY UNIVERSITY		715 STADIUM DR.	SAN ANTONIO 78212
*	TX TECH. UNIV HEALTH SCI CNTR		PO BOX 4569	LUBBOCK 79409
*	UNIVERSITY OF HOUSTON		3801 CULLEN BLVD.	HOUSTON 77004
*	UNIVERSITY OF TEXAS SYSTEM		PO BOX 7969	AUSTIN 78712
*	WADLEY INSTS OF MOLECULAR MED		9000 HARRY HINES	DALLAS 75235
*	ZOECON INDUSTRIES, INC.		12200 DENTON DR.	DALLAS 75234

UTAH
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BRIGHAM YOUNG UNIVERSITY		RM 679 WIDTSOE BLDG	PROVO 84601
*	INTERMOUNTAIN LABORATORIES		870 E. 7200 SOUTH	MIDVALE 84047
*	LATTER-DAY SAINTS HOSPITAL		325-8TH AVE.	SALT LAKE CITY 84103
*	MIDECO		391 CHIPETA WAY SUITE B	SALT LAKE CITY 84108
*	PRIMARY CHILDREN'S HOSPITAL		320 TWELFTH AVE.	SALT LAKE CITY 84103
*	UNIVERSITY OF UTAH		309 PARK BLDG.	SALT LAKE CITY 84112
*	UTAH STATE UNIVERSITY			LOGAN 84321
*	WEBER STATE COLLEGE		3750 HARRISON BLVD.	OGDEN 84403

VERMONT
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BENNINGTON COLLEGE			BENNINGTON 05201
*	CASTLETON STATE COLLEGE			CASTLETON 05735
*	INST FOR MED RES/BENNINGTON		DEWEY ST.	BENNINGTON 05201
*	MIDDLEBURY COLLEGE			MIDDLEBURY 05753
*	UNIV OF VT & STATE AGRI. COLL			BURLINGTON 05401

VIRGINIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	A.H. ROBINS CO. INC.		1211 SHERWOOD AVE.	RICHMOND 23220
*	BLUE RIDGE COMMUNITY COLLEGE		PO BOX 80	WEYERS CAVE 24486
*	COLLEGE OF WILLIAM AND MARY			WILLIAMSBURG 23185
*	GEORGE MASON UNIVERSITY		4400 UNIVERSITY DR.	FAIRFAX 22030
*	GLENN M. SHEPARD, M.D. INC.		[illegible] MAIN ST.	NEWPORT NEWS 23601
* X	LYNCHBURG COLLEGE			LYNCHBURG 24504
*	MEDICAL COLLEGE OF VIRGINIA		12TH & BROAD STS.	RICHMOND 23219
*	MELOY LABS., INC		6715 ELECTRONIC DR.	SPRINGFIELD 22151
*	OLD DOMINION UNIVERSITY		PO BOX 6173	NORFOLK 23508
*	RESEARCH INST. OF NORFOLK		600 GRESHAM DR.	NORFOLK 23507
*	UNIVERSITY OF VIRGINIA			CHARLOTTESVILLE 22901
*	VIRGINIA POLYTECHNIC INST.			BLACKSBURG 24061
*	WASHINGTON AND LEE UNIVERSITY			LEXINGTON 24450

WASHINGTON
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	BIO MEDICAL RESEARCH LABS.		1115 E. PIKE ST.	SEATTLE 98122
*	EASTERN WASHINGTON STATE COLLEGE			CHENEY 99004
*	FORT STEILACOOM COMMUNITY COLLEGE		BOX 99186	TACOMA 98499
*	HOLLISTER-STIER LABORATORIES		BOX 3145 TERMINAL ANNEX	SPOKANE 99220
*	PACIFIC NORTHWEST LABS.		PO BOX 999	RICHLAND 99352
*	PACIFIC NW RESEARCH FNDN.		1102 COLUMBIA ST.	SEATTLE 98104
*	PROVIDENCE HOSPITAL RES. CTR		528 18TH AVE.	SEATTLE 98166
*	PUGET SOUND BLOOD CENTER		TERRY AT MADISON	SEATTLE 98104
*	SEATTLE-KING CO. HEALTH DEPT.		1303 PUBLIC SAFETY BLDG.	SEATTLE 98104
*	ST. JOSEPH HOSPITAL			TACOMA 98405
*	UNIVERSITY OF WASHINGTON			SEATTLE 98101
*	VIRGINIA MASON RESEARCH CNTR.		1000 SENECA ST.	SEATTLE 98101
*	WASHINGTON STATE UNIVERSITY			PULLMAN 99163
*	WESTERN WASHINGTON STATE COLLLEGE			BELLINGHAM 98225
*	WEYERHAEUSER COMPANY		PO BOX 420	CENTRALIA 98531

WASH. D.C.
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	AMERICAN UNIVERSITY		MASSACHUSETTS & NEBRASKA AVES ., N.W.	WASHINGTON 20016
*	CHILDREN'S HOSP. OF THE D .C.		2125-13TH ST., NW.	WASHINGTON 20009
*	GEORGE WASHINGTON UNIVERS ITY			WASHINGTON 20006
*	GEORGETOWN UNIVERSITY		3900 RESERVOIR RD. N.W.	WASHINGTON 20007
*	JACKSON LABORATORIES, INC .		2612-28TH ST NE PO BOX 10238	WASHINGTON 20018
*	NATIONAL CANNERS ASSOCIAT ION		1133-20TH ST., N.W.	WASHINGTON 20036
*	WASHINGTON HOSPITAL CENTE R		GEORGE HYMAN MEMORIAL RESEARC H BLDG., 110 IRVING ST. NW.	WASHINGTON 20010

WEST VIRGINIA
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	WEST VIRGINIA UNIVERSITY		MEDICAL CENTER	MORGANTOWN 26506
*	WV SCHOOL OF OSTEOP. MEDI CINE		400 N. LEE ST.	LEWISBURG 24901

WISCONSIN
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	ALTECH LABORATORIES		RT. 4 SYENE RD.	MADISON 53711
*	APPLETON MEMORIAL HOSP. ASSOC		1818 N. MEADE ST.	APPLETON 54911
*	BELLIN MEMORIAL HOSPITAL		744 S. WEBSTER AVE.	GREEN BAY 54301
*	BELOIT COLLEGE			BELOIT 53511
* X	BJORKSTEN RESEARCH FOUNDATION		PO BOX 9444	MADISON 53715
*	CTRL WI COLONY/TRAINING SCH.		317 KNUTSON DR.	MADISON 53704
*	FROMM LABORATORIES, INC.			GRAFTON 53024
*	MARQUETTE UNIVERSITY		1217 W. WISCONSIN AVE.	MILWAUKEE 53233
*	MARSHFIELD CLINIC FOUNDATION FOR MEDICAL RESEARCH AND EDUCATION		630 S. CENTRAL AVE.	MARSHFIELD 54449
*	MEDICAL COLLEGE OF WISCONSIN		561 N. 15TH ST.	MILWAUKEE 53233
*	MEDICAL COLLEGE OF WISCONSIN, INC.		8701 WATERTOWN PLANK RD	MILWAUKEE 53226
*	MILWAUKEE CHILDREN'S HOSPITAL		1700 W. WISCONSIN AVE.	MILWAUKEE 53233
*	MT. SINAI HOSPITAL		948 N. 12TH ST.	MILWAUKEE 53233
*	RALTECH SCIENTIFIC SER INC		3301 KINSMAN BLVD	MADISON 53707
*	REGENTS OF THE UNIV. OF WISC.		750 UNIVERSITY AVE.	MADISON 53706
*	S.C. JOHNSON & SON, INC.		1525 HOWE ST.	RACINE 53403
*	ST. JOSEPH'S HOSPITAL-LAB.		5000 W. CHAMBERS ST.	MILWAUKEE 53210
*	ST. LUKE'S RESEARCH FNDN. INC		2900 W. OKLAHOMA AVE.	MILWAUKEE 53215
*	ST. NORBERT COLLEGE			DEPERE 54115
*	VOCATIONAL, TECH. & ADULT EDU		211 N. CARROLL ST.	MADISON 53703
*	WARF INSTITUTE, INC.		506 N. WALNUT ST. PO BOX 2599	MADISON 53701
*	WAUSAU HOSPITALS, INC.			MAPLE HILL 54401
*	WISCONSIN DEPT OF AGRICULTURE		801 W. BADGER RD.	MADISON 53713

WYOMING
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	CASPER COLLEGE		125 COLLEGE DR.	CASPER 82601
*	EASTERN WYOMING COLLEGE			TORRINGTON 82240
*	LARAMIE CO. COMMUNITY COL LEGE		1400 EAST COLLEGE DR.	CHEYENNE 82001
*	UNIVERSITY OF WYOMING			LARAMIE 82070

PUERTO RICO
02/22/79

IA	NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
***				
*	EX-LAX, INC.		CALL BOX 1020	HUMACAO 00661
*	INSTITUTE OF HEALTH LABS.		PO BOX 10427, CAPARRA HEIGHTS STA.	SAN JUAN 00922
*	LILLY INDUSTRIES, INC.		PO BOX 71325	SAN JUAN 00936
*	OMNI RESEARCH, INC.		PO BOX 1156	SAN GERMAN 00753
*	SAN ANTON BAXTER REALTY C ORP		P.O. BOX 678	CAROLINA 00630
*	UNIVERSITY OF PUERTO RICO			RIO PIEDRAS 00931

[FR Doc. 79-9099 Filed 4-2-79; 8:45 am]

BILLING CODE 3410-34-C

federal register

Tuesday
April 3, 1979

Part VI

Department of Labor

Employment and Training Administration

Designation as Prime Sponsor Under the Comprehensive Employment and Training Act

Invitation to Submit Preapplications

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Designation as a Prime Sponsor Under the Comprehensive Employment and Training Act; Invitation to Submit Preapplications

The purpose of this notice is to describe the eligibility criteria for prime sponsor designation under the Comprehensive Employment and Training Act (CETA) and the procedures for applying for such designation. The Secretary of Labor provides financial assistance under CETA to qualified prime sponsors for the conduct of employment and training programs. Each year applicants for prime sponsor designation, including those that have been designated as prime sponsors in previous years, must submit a preapplication for Federal assistance. One such preapplication will suffice for all titles of CETA, except that the preapplication for Special Grants to Governors must be separate.

The primary basis upon which a unit of general local government may qualify as a prime sponsor under Section 101(a)(2) of CETA is having a population of 100,000 or more. Accordingly, Attachment 1 of this notice lists jurisdiction with a population of 100,000 or more, based upon the most satisfactory current data available to the Secretary. However, the publication of this list is not intended in any manner to preclude other applicants from applying.

Eligibility Criteria. Section 101(a) of the Act provides that a prime sponsor shall be:

(a) A State;

(b) A unit of a general local government which has a population of 100,000 or more;

(c) Any consortium of units of general local government which includes a unit of general local government qualifying under paragraph (b) of this section;

(d) The four existing Concentrated Employment Program (CEP) prime sponsors;

(e) Any unit of general local government previously designated as a prime sponsor, with a population below 100,000 persons, which the Secretary certifies has demonstrated its effectiveness in, and continues to have the capability for, adequately carrying out programs under the Act;

(f) Any unit of general local government or any consortium of such units, without regard to population, which is determined by the Secretary.

(1)(i) to serve a substantial portion of a functioning labor market area, or

(ii) to be a rural area having a high level of unemployment; and

(2) to have demonstrated that

(i) it has the capability for adequately carrying out programs under the Act,

(ii) there is a special need for services within the area to be served, and

(iii) it will carry out programs and services in the area as effectively as any larger unit of general local government in the jurisdiction of which it is located or as the State.

General Procedures for Applying. In accordance with Section 101(c) of the Act, and in order to be considered eligible for prime sponsorship, the Secretary of Labor hereby informs all potential applicants that they must submit a preapplication for Federal assistance no later than May 1, 1979.

The preapplication must be submitted to the appropriate Regional Administrator, Employment and Training Administration (ETA), the Governor, and appropriate State and areawide clearinghouses (see OMB Circular A–95 as revised and published in the **Federal Register** on January 13, 1976).

The preapplication will consist of Standard Form SF 424, as described in 41 CFR 29–70, with an attachment giving the following information:

(a) Population of area(s) to be served;

(b) Certification that the prime sponsor applicant, except for States, CEP and consortia prime sponsor applicants, has the general government authority required by the definition of "unit of general local government" at Section 3(29) of CETA;

(c) Name of any ineligible unit of general local government, located within the prime sponsor applicant's jurisdiction, that has informed the prime sponsor applicant that it will not be participating in the prime sponsor applicant's plan;

(d) Certification that the development of the applicant's plan will be in accordance with the requirements of the Act and regulations;

(e) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each applicant. For a newly formed consortium, and for a consortium in which one or more members have joined or withdrawn, the signature of the chief elected official or chief executive officer of each consortium member is required. In the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

Special application procedures.

(a) *Units of general local government of less than 100,000 population.* Any unit of general local government which does not have a population of 100,000 but wishes to be named a prime sponsor because of exceptional circumstances under the provisions of Section 101 of the Act should submit a preapplication according to procedures set forth above. In addition, the preapplication should include information as to:

(1) The labor market area(s) in which the unit of general local government is located;

(2) The proportion of the labor market area population which resides within the jurisdiction of the unit of general local government;

(3) The unit of general local government's administrative and organizational capability for adequately carryong out programs under the Act;

(4) The unit of general local government's ability to carry out the program as effectively as the State, e.g., past experience in operating employment and training programs, effective linkages with community-based organizations and programs, administrative efficiency in terms of costs, and of the existence and effective operation of an Operational Planning Grant;

(5) The special need for services within the area to be served, e.g., a high proportion of groups within the population such as disadvantaged youth, offenders, high school dropouts, a high unemployment rate, substantial outmigration, or unique commuting problems.

(b) *Consortia.* Combinations of units of general local government may form a consortium to plan and operate a comprehensive employment and training program. The nature of consortium agreements is set forth in detail in § 676.4 of the proposed CETA regulations, published in the **Federal Register** on January 19, 1979.)

In order to encourage the formation of consortia that comprise at least 75 percent of labor market areas, the Secretary will use up to 5 percent of the funds available for Title II, Parts A, B and C, of the Act to provide additional funding for such consortia.

Consortia which do not serve such areas shall not be eligible for these additional funds. Prior to making decisions concerning these funds, the Regional Administrator, ETA, will consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

A consortium must submit a preapplication according to the procedures set forth above. In addition, each consortium shall submit a consortium agreement to the appropriate Regional Administrator, ETA, by June 1, 1979. (See § 676.4 of the proposed CETA regulations published in the **Federal Register** on January 19, 1979.) An established consortium which submitted a formal written agreement last year may attest in writing that the agreement is the same or specify amendments to the agreement. The formal agreement or attestation must be signed by the chief elected official or chief executive officer of each consortium member. Only one such agreement is necessary for designation under all titles.

List of ETA Regional Offices. All preapplication information and consortium agreements (described above) must be submitted to the appropriate Regional Administrator, ETA. The names, addresses and areas of responsibility of the Regional Administrators are listed on Attachment No. 2.

Implementation Schedule

Grants to prime sponsors for Fiscal Year 1980 will be executed by October 1, 1979. Final CETA regulations will be published about the beginning of April 1979. Planning estimates will be released about May 15, 1979. Prime sponsors will be expected to submit their final grant applications to the appropriate Regional Administrator by August 15, 1979. A more detailed CETA grant cycle schedule for Fiscal Year 1980 will be published shortly in the **Federal Register.**

Attachment 1—Listing of Jurisdictions of 100,000 or more Population

(Based on the most satisfactory current data available to the Secretary)

ALABAMA

Birmingham, Huntsville, Mobile, Montgomery, Calhoun County, Jefferson County, Mobile County, Tuscaloosa County, and Balance, Alabama.

ALASKA

Municipality of Anchorage, Balance, Alaska.

ARIZONA

Phoenix, Tucson, Mesa, Maricopa County, and Balance, Arizona.

ARKANSAS

Little Rock, Pulaski County, and Balance, Arkansas.

CALIFORNIA

Anaheim, Berkeley, Fremont, Fresno, Garden Grove, Glendale, Huntington Beach, Long Beach, Los Angeles, Oakland, Pasadena, Riverside, Sacramento, San Bernardino, San Diego, San Francisco City/County, San Jose, Santa Ana, Stockton, Sunnyvale, Torrance, Alameda County, Butte County, Contra Costa County, Fresno County, Humboldt County, Kern County, Los Angeles County, Marin County, Merced County, Monterey County, Orange County, Placer County, Riverside County, Sacramento County, San Bernardino County, San Diego County, San Joaquin County, San Luis Obispo County, San Mateo County, Santa Barbara County, Santa Clara County, Santa Cruz County, Solano County, Sonoma County, Stanislaus County, Tulare County, Ventura County, Yolo County, and Balance, California.

COLORADO

Aurora, Colorado Springs, Denver City/County, Lakewood, Pueblo, Adams County, Arapahoe County, Boulder County, El Paso County, Jefferson County, Larimer County, Weld County, and Balance, Colorado.

CONNECTICUT

Bridgeport, Hartford City, New Haven City, Stamford City, Waterbury City, and Balance, Connecticut.

DELAWARE

New Castle County, Balance, Delaware.

DISTRICT OF COLUMBIA

FLORIDA

Ft. Lauderdale, Hialeah, Hollywood, Jacksonville City/Duval County, Miami, Orlando, St. Petersburg, Tampa, Alachua County, Brevard County, Broward County, Dade County, Escambia County, Hillsborough County, Marion County, Lee County, Leon County, Manatee County, Okaloosa County, Orange County, Palm Beach County, Pasco County, Pinellas County, Polk County, Sarasota County, Seminole County, Volusia County, and Balance, Florida.

GEORGIA

Atlanta, Columbus City/Muscogee County, Macon, Savannah, Clayton County, Cobb County, DeKalb County, Fulton County, Gwinnett County, Richmond County, and Balance, Georgia.

HAWAII

Honolulu City/Honolulu County, and Balance, Hawaii.

IDAHO

Boise, Balance, Idaho.

ILLINOIS

Chicago, Peoria, Rockford, Champaign County, Cook County, DuPage County, Kane County, Sangamon County, St. Clair County, Tazewell County, LaSalle County, Lake County, Macon County, Madison County, McHenry County, McLean County, Rock Island County, Will County, and Balance, Illinois.

INDIANA

Evansville, Ft. Wayne, Gary, Hammond, Allen County, Delaware County, Elkhart County, LaPorte County, Lake County, Indianapolis City/Marion County, Porter County, South Bend, St. Joseph County, Madison County, Tippecanoe County, Vigo County, and Balance, Indiana.

IOWA

Cedar Rapids, Des Moines, Black Hawk County, Davenport, Woodbury County, and Balance, Iowa.

KANSAS

Kansas City, Topeka, Wichita, Johnson County, and Balance, Kansas.

KENTUCKY

Lexington City/Fayette County, Louisville, Jefferson County, Kenton County, and Balance, Kentucky.

LOUISIANA

Baton Rouge City/E. Baton Rouge Parich, New Orleans City/Parish, Shreveport, Calcasieu Parish, Jefferson Parish, Lafayette Parish, Ouachita Parish, Rapides Parish, and Balance, Louisiana.

MAINE

Cumberland County, Kennebec County, Penobscot County, York County, and Balance, Maine.

MARYLAND

Baltimore, Anne Arundel County, Baltimore County, Frederick County, Hartford County, Howard County, Montgomery County, Prince Georges County, Washington County, and Balance, Maryland.

MASSACHUSETTS

Boston City, Cambridge, Fall River,[1] New Bedford,[1] Springfield, Worcester, Balance, Massachusetts.

MICHIGAN

Ann Arbor, Detroit, Flint, Grand Rapids, Lansing, Livonia, Warren, Bay County, Berrien County, Oakland County, Ottawa County, Saginaw County, St. Clair County, Calhoun County, Genesee County, Ingham County, Jackson County, Kalamazoo County, Kent County, Macomb County, Monroe County, Muskegon County, Washtenaw County, Wayne County, and Balance, Michigan.

MINNESOTA

Minneapolis, St. Paul, Anoka County, Dakota County, Hennepin County, Ramsey County, St. Louis County, Sterns County, Washington County, and Balance, Minnesota.

MISSISSIPPI

Jackson, Harrison County, Jackson County, and Balance, Mississippi.

MISSOURI

Independence City, Kansas City, Springfield City, St. Louis City, Jackson County, Jefferson County, St. Charles County, St. Louis County, and Balance, Missouri.

MONTANA

Yellowstone County, Balance, Montana.

NEBRASKA

Lincoln City, Omaha City, and Balance, Nebraska.

NEVADA

Las Vegas City, Clark County, Washoe County, and Balance, Nevada.

NEW HAMPSHIRE

Hillsborough County, Rockingham County, and Balance, New Hampshire.

NEW JERSEY

Elizabeth City, Jersey City, Newark City, Paterson City, Trenton City,[1] Atlantic County, Bergen County, Burlington County, Camden County, Cumberland County, Essex County, Gloucester County, Hudson County, Mercer County, Middlesex County, Monmouth County, Morris County, Ocean County, Passaic County, Somerset County, Sussex County, Union County, and Balance, New Jersey.

NEW MEXICO

Albuquerque City, Balance, New Mexico.

NEW YORK

Albany City, Buffalo City, New York City, Rochester City, Syracuse City, Town of Amherst, Town of Cheektowaga, Town of Tonawanda, Yonkers City, Town of Babylon, Town of Brookhaven, Town of Huntington, Town of Islip, Town of Smithtown, Town of Hempstead, North Hempstead Township, Oyster Bay Township, Albany County, Broome County, Chautauqua County, Chemung County, Dutchess County, Erie County, Monroe County, Niagara County, Oneida County, Onondaga County, Orange County, Oswego County, Rensselaer County, Rockland County, Saratoga County, Schenectady County, St. Lawrence County, Steuben County, Ulster County, Westchester County, and Balance, New York.

NORTH CAROLINA

Charlotte City, Greensboro, Davidson County, Durham City, Raleigh City, Winston-Salem City, Buncombe County, Cumberland County, Gaston County, Guilford County, Onslow County, Wake County, and Balance, North Carolina.

NORTH DAKOTA

OHIO

Akron City, Canton City, Cincinnati City, Cleveland City, Columbus City, Dayton City, Parma City, Toledo City, Youngstown City, Allen County, Ashtabula County, Butler County, Clark County, Clermont County, Columbiana County, Cuyahoga County, Franklin County, Green County, Hamilton County, Lake County, Licking County, Lorain County, Lucas County, Medina County, Mahoning County, Montgomery County, Portage County, Richland County, Stark County, Summitt County, Trumbull County, Wood County, and Balance, Ohio.

OKLAHOMA

Oklahoma City, Tulsa City, Cleveland County,[1] Comanche County, Oklahoma County, and Balance, Oklahoma.

OREGON

Portland City, Clackamas County, Jackson County, Lane County, Marion County, Multnomah County, Washington County, and Balance, Oregon.

PENNSYLVANIA

Allentown City, Erie City, Philadelphia City/County, Pittsburgh City, Allegheny County, Beaver County, Berks County, Bucks County, Butler County, Cambria County, Centre County, Chester County, Cumberland County, Dauphin County, Delaware County, Erie County, Fayette County, Franklin County, Lackawanna County, Lancaster County, Lawrence County, Lebanon County, Lehigh County, Luzerne County, Lycoming County, Mercer County, Montgomery County, Northampton County, Northumberland County, Schuylkill County, Washington County, Westmoreland County, York County, and Balance, Pennsylvania.

PUERTO RICO

Bayamon Municipio, Caguas Municipio, Carolina Municipio, Mayaguez Municipio, Ponce Municipio, San Juan Municipio, and Balance, Puerto Rico.

RHODE ISLAND

Providence City, and Balance, Rhode Island.

SOUTH CAROLINA

Columbia City, Anderson County, Charleston County, Florence County, Greenville County, Lexington County, Richland County, Spartanburg County, and Balance, South Carolina.

SOUTH DAKOTA

Minnehaha County, Balance, South Dakota.

TENNESSEE

Chattanooga City, Knoxville City, Memphis City, Nashville City/Davidson County, Hamilton County, Knox County, Sullivan County, and Balance, Tennessee.

TEXAS

Amarillo City, Arlington, Austin City, Beaumont City, Collin County, Corpus Christi City, Dallas City, El Paso City, Fort Worth City, Garland, Houston City, Irving, Lubbock City, Pasadena, San Antonio City, Bell County, Bexar County, Brazoria County, Cameron County, Dallas County, Ector County, Galveston County, Harris County, Hidalgo County, Jefferson County, Smith County, Tarrant County, Taylor County, Waco County, Wichita County, and Balance, Texas.

UTAH

Salt Lake City, Davis County, Salt Lake County, Utah County, Weber County, and Balance, Utah.

VERMONT

Chittenden County, Balance, Vermont.

VIRGINIA

Alexandria City, Chesapeake City, Hampton City, Newport News City, Norfolk City, Portsmouth City, Richmond City, Roanoke City, Virginia Beach City, Arlington County, Chesterfield County, Fairfax County, Henrico County, Prince William County, and Balance, Virginia.

WASHINGTON

Seattle City, Spokane City, Tácoma City, Clark County, King County, Kitsap County, Pierce County, Snohomish County, Spokane County, Thurston County, Yakima County, and Balance, Washington.

WEST VIRGINIA

Cabell County, Kanawha County, and Balance, West Virginia.

WISCONSIN

Madison City, Milwaukee City, Brown County, Dane County, Kenosha County, Marathon County, Milwaukee County, Outagamie County, Racine County, Rock County, Sheboygan County, Waukesha County, Winnebago County, and Balance Wisconsin.

WYOMING

VIRGIN ISLANDS

AMERICAN SAMOA

GUAM

NORTHERN MARIANAS

TRUST TERRITORY OF THE PACIFIC ISLANDS

Note—Any jurisdiction whose name does not appear on this list which has Bureau of Census certified documentation to support the fact that its population has increased to 100,000 should submit such documentation, along with a preapplication, according to the procedures contained herein.

Attachment 2—Regional Administrators Employment and Training Administration

Location and States in Region

REGION I, BOSTON

Timothy M. Barnicle, Regional Administrator, ETA, U.S. Department of Labor, J. F. Kennedy Building, Room 1707, Boston, Massachusetts 02203. Connecticut, Maine, Massachusetts, Vermont, Rhode Island, New Hampshire.

REGION II, NEW YORK

James A. Ware, Regional Administrator, ETA, U.S. Department of Labor, 1515 Broadway, Room 3713, New York, New York 10036. New York, Puerto Rico, New Jersey, Virgin Islands, Canal Zone.

REGION III, PHILADELPHIA

William J. Haltigan, Acting Regional Administrator, ETA, U.S. Department of Labor, Post Office Box 8796, Philadelphia, Pennsylvania 19101. Delaware, Virginia, Maryland, Pennsylvania, West Virginia, District of Columbia.

REGION IV, ATLANTA

David T. Duncan, Regional Administrator, ETA, U.S. Department of Labor, 1371 Peachtree Street, N.E. Room 405, Atlanta, Georgia 30309. Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee.

REGION V, CHICAGO

Richard C. Gilliland, Regional Administrator, ETA, U.S. Department of Labor, 230 South Dearborn Street, Chicago,

[1] Existing prime sponsors whose population has dropped below 100,000.

Illinois 60604. Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

REGION VI, DALLAS

William S. Harris, Regional Administrator, ETA, U.S. Department of Labor, 555 Griffin Square Building, Room 316, Dallas, Texas 75202. Arkansas, Oklahoma, Texas, Louisiana, New Mexico.

REGION VII, KANSAS CITY

Richard G. Miskimins, Regional Administrator, ETA, U.S. Department of Labor, 911 Walnut Street, Federal Building, Kansas City, Missouri 64106. Iowa, Missouri, Nebraska, Kansas.

REGION VIII, DENVER

Floyd E. Edwards, Regional Administrator, ETA, U.S. Department of Labor, 16122 Federal Office Building, 1961 Stout Street, Denver, Colorado 80294. Colorado, Utah, South Dakota, North Dakota, Montana, Wyoming.

REGION IX, SAN FRANCISCO

Carolyn M. Golding, Acting Regional Administrator, ETA, U.S. Department of Labor, Federal Office Building, Box 36084, 450 Golden Gate Avenue, San Francisco, California 94102. Arizona, California, Hawaii, Nevada, Guam, American Samoa, Trust Territory of the Pacific Islands.

REGION X, SEATTLE

Jess C. Ramaker, Regional Administrator, ETA, U.S. Department of Labor, Federal Office Building, 909 First Avenue, Room 1145, Seattle, Washington 98174. Alaska, Idaho, Oregon, Washington.

Signed at Washington, D.C. this 27th day of March 1979.

Robert Anderson,

Administrator, Office of Comprehensive Employment Development.

[FR Doc. 79-10092 Filed 4-2-79 8:45 am]

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federal register

Tuesday
April 3, 1979

Part VII

Department of Health, Education, and Welfare

Food and Drug Administration

Classification of Obstetrical and Gynecological Devices

Development of General Provisions; Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 884]

Classification of Obstetrical and Gynecological Devices: Development of General Provisions

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The agency is proposing general rules applicable to the classification of all obstetrical and gynecological devices. The Medical Device Amendments of 1976 require the Food and Drug Administration (FDA) to classify all medical devices intended for human use into three categories: Class I, general controls; class II, performance standards; and class III, premarket approval. In the preamble to this proposal, FDA describes the development of the proposed regulations classifying individual obstetrical and gynecological devices, which are being published elsewhere in this issue of the **Federal Register.** The preamble also describes the activities of the Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee that makes recommendations to FDA concerning the classification of obstetrical and gynecological devices.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Durg Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK– 470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Device Classification System

The Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295) establish a comprehensive system for the regulation of medical devices intended for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories are as follows: Class I, general controls; class II, performance standards; class III, premarket approval.

Most devices are not classified under section 513 of the act until after FDA has (1) received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. These steps must precede the classification of any device that was in commercial distribution before May 28, 1976 (the date of enactment of the amendments) and that was not previously regarded by FDA as a new drug under section 505 of the act (21 U.S.C. 355). A device that is first offered for commercial distribution after May 28, 1976, and that is substantially equivalent to a device classified under this scheme, is classified in the same class as the device to which it is substantially equivalent.

A device that FDA previously regarded as a new drug, or a newly offered device that is not substantially equivalent to a device that was in commercial distribution before the amendments, is classified by statute into class III. These two types of devices are classified into class III without any FDA rulemaking proceedings. The agency determines whether new devices are substantially equivalent to previously offered devices by means of the premarket notification procedure in section 510(k) of the act (21 U.S.C. 360(k)) and Part 807 of the regulations (21 CFR Part 807).

Related Regulations

In the **Federal Register** of July 28, 1978 (43 FR 32988), the Commissioner issued final regulations describing the procedures for classifying devices intended for human use. These regulations, which were proposed in the **Federal Register** of September 13, 1977 (42 FR 46028), supplement the agency's regulations in Part 14 (21 CFR Part 14) governing the use of advisory committees. The agency also issued interim device classification procedures in a notice published in the **Federal Register** of May 19, 1975 (40 FR 21848).

Activities of Panel

Anticipating enactment of the amendments, FDA established several advisory committees to make preliminary recommendations on device classification. The Obstetrical and Gynecological Device Classification Panel (the Panel) was originally chartered on April 16, 1973, as the Panel on Review of Obstetric and Gynecologic Devices. The FDA placed a report of the Panel's tentative classification recommendations on file with the office of the Hearing Clerk (HFA–305), Food and Drug Administration, and announced the availability of the report to the public by notice published in the **Federal Register** of December 30, 1975 (40 FR 59769).

On August 9, 1976, the Panel and other preamendments device classification panels were rechartered to reflect their new responsibilities under the amendments. The agency directed each panel to reconsider its preamendments classification recommendations in light of the new requirements. In 1976 and 1977, the Panel reviewed all devices that FDA had referred to it to make certian that its recommendations were in accord with the amendments.

Throughout the Panel's deliberations, interested persons were given an opportunity to present their views, data, and other information concerning the classification of obstertrical and gynecological devices. The Panel also invited experts to testify and sought information on many devices from the published literature.

In October 1977, the Panel submitted to FDA a preliminary report of its recommendations. The report included a roster of current and former Panel members and consultants and listed all meeting dates. The agency placed a copy of the report in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, and announced its availability to the public by notice published in the **Federal Register** of November 29, 1977 (42 FR 60792). At a meeting held on May 8, 1978, the Panel changed its previous recommendations concerning the classification of several devices. The summary of minutes of this meeting shows these changes and has been placed in the office of the Hearing Clerk, Food and Drug Administration. Also available in the office of the Hearing Clerk are summary minutes from all Panel meetings, verbatim transcripts of meetings held after May 28, 1976 (the date of enactment of the amendments), and all references cited in individual obstetrical and gynecological device proposed classification regulations. Interested persons may review these documents in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday and Friday.

List of Obstetrical and Gynecological Devices

In 1972, FDA surveyed device manufacturers to identify the devices for which classification regulations would be needed. Following this survey, FDA developed a list of obstetrical and gynecological devices. The Panel supplemented the list utilizing its members' knowledge of obstetrical and gynecological devices in use. Devices that were solely for experimental or investigational use or that were not generally available were not included.

The Commissioner is proposing to establish a new Part 884 in Title 21 of the Code of Federal Regulations. Part 884 will consist of sections that identify each obstetrical and gynecological device, give a brief narrative description of the device, and state the classification of that device. A list of the obstetrical and gynecological devices appears elsewhere in this preamble.

Individual Obstetrical and Gynecological Device Classification Regulations

Elsewhere is this issue of the **Federal Register**, the Commissioner is issuing 69 individual proposed regulations to classify each obstetrical and gynecological device. The Commissioner is proposing to classify 5 obstetrical and gynecological devices into class I (general controls), 48 obstetrical and gynecological devices into class II (performance standards), and 16 obstetrical and gynecological devices into class III (premarket approval). The Commissioner also is publishing the recommendations of the Panel regarding these devices, as required by section 513(c)(2) and (d)(1) of the act (21 U.S.C. 360c(c)(2) and (d)(1)).

Published Panel Recommendation

Each published Panel recommendation concerning an obstetrical and gynecological device inclused the information described below.

1. *Identification.* Both the Panel recommendation and proposed FDA classification regulation include a brief narrative identification of the device. The identification statement is necessarily broad because it applies to a category or type of device rather than to a specific device. As explained in proposed § 884.1 (21 CFR 884.1), manufacturers who submit premarket notification submissions under section 510(k) of the act and Part 807 of the regulations cannot show merely that a newly offered device is accurately described by the section title and identification provisions of a classification regulation. Although a new device may be described accurately by the title and identification in a classification regulation, it is nevertheless in class III under section 513(f) of the act if it is not substantially equivalent to a preamendments device (or to a postamendments device that has already been reclassified from class III into class I or class II). It is not practical for FDA to publish an identification of each type of device that is so detailed as to anticipate every product feature that may be relevant in determining whether a new device is substantially equivalent to previous devices classified by the regulation. The Commissioner believes that this problem was recognized in, and addressed by, the premarket notification procedures in section 510(k) of the act. Accordingly, any manufacturer who submits a premarket notification submission should state why the manufacturer believes that the device is substantially equivalent to other devices in commercial distribution, as required by § 807.87 (21 CFR 807.87), and whether the device is described in a classification regulation.

2. *Recommended classification.* Each Panel's recommendation describes whether the device is recommended for classification into class I (general controls), class II (performance standards), or class III (premarket approval).

For each device recommended for classification into class I, the Panel considered whether the device should be exempt from any requirements under certain sections of the act: section 510 (21 U.S.C. 360, registration), section 519 (21 U.S.C. 360i, records and reports), and section 520(f) (21 U.S.C. 360j(f), good manufacturing practice requirements). The Panel recommended that none of the obstetrical and gynecological devices that are recommended for classification into class I be exempted from requirements under these sections. Manufacturers and other interested persons may submit comments on the appropriateness of exempting manufacturers of particular class I devices from one or more of the requirements under sections 510, 519, and 520(f) of the act. These comments should be supported by data and views showing that the application of these requirements to manufacturers of a device is not necessary to assure that the device is safe and effective and in compliance with the act, and that, despite the exemption, FDA will be able to discharge its regulatory responsibilities under the act.

A Panel recommendation that a device be classified into class II includes the Panel's recommended priority ("high" or "low") for establishing a performance standard for the device. Similarly, each Panel recommendation that a device be classified into class III includes the Panel's recommended priority ("high" or "low") for application of premarket approval requirements to that device. As explained below in the section of this notice concerning "Priorities for Class II and III Devices," the Commissioner is not, however, proposing the establishment of agency priorities at this time.

3. *Summary of reasons for recommendation.* The summary of reasons for the Panel's recommendation explains why the Panel believes that a particular device meets the statutory criteria for classification into class I, II, or III.

Except in those instances in which FDA's classification proposal differs from the Panel's recommendation, the Commissioner is adopting the Panel's summary of reasons as the agency's statement of the reasons for issuing the regulations, as required by section 517(f) of the act (21 U.S.C. 360g(f)).

The summary of reasons for a recommendation identifies any device that is an implant or a life-supporting or life-sustaining device. The summary of reasons for any implant or life-supporting or life-sustaining device that is not recommended for classification into class III also explains why the Panel determined that classification of the device into class III is not necessary to provide reasonable assurance of its safety and effectiveness. The agency provides a similar explanation in the "Proposed Classification" section of the preamble to any proposal to classify an implant or a life-supporting or life-sustaining device into a class other than class III.

4. *Summary of data on which the recommendation is based.* In many cases, the Panel based its recommendations on Panel member's personal knowledge of, and familiarity with, the devices under review. The Panel particularly relied upon clinical experience and judgment when considering a simple device that had been used extensively and was accepted widely before the amendments were enacted. The legislative history of the amendments makes clear that the term "data" has a special meaning in section 513(a)(2) of the act, which requires that a Panel recommendation summarize the data upon which a recommendation is based. As used in this section, "data" refers not only to the results of scientific experiments, but also to less formal evidence, other scientific information, or judgments of experts (House Committee

on Interstate and Foreign Commerce, Medical Device Amendments of 1976, H. Rept. 94853, 94th Congress, 2d Session 40 (1976)). The Commissioner has determined that clinical experience and judgment is valid scientific evidence for classifying certain devices.

In many cases, FDA sought more data and information concerning the classification of a device than were cited by the Panel. References to these data and information are found in the "Proposed Classification" section of the preambles to individual obstetrical and gynecological device regulations. The Commissioner is adopting, as the agency's statement of the basis for issuing the regulation under section 517(f) of the act, the Panel's summary of the data on which a recommendation to classify a device is based, together with any additional data and information cited in the preamble to the proposed classification regulation.

5. *Risks to health.* In identifying the risks to health presented by obstetrical and gynecological devices, the Panel recognized that few devices are completely free of risk. The Panel listed the risks it considered most significant, especially those that are unique to the individual device. In some cases, FDA has identified additional risks to health presented by a device. These additional risks are set out in the section of the preamble concerning the "Proposed Classification" of a particular device.

Because the classification recommendations and FDA regulations do not identify all risks to health presented by obstetrical and gynecological devices, future regulations establishing performance standards under section 514 of the act (21 U.S.C. 360d) or requiring premarket approval under section 515(b) of the act (21 U.S.C. 360e(b)) may identify additional risks to health to be addressed by FDA requirements.

Proposed Classification

Each proposed regulation to classify an obstetrical and gynecological device states whether FDA agrees with the Panel's recommendation, describes the agency's proposed classification of the device, and proposes a new section in Part 884 in which the device classification will be codified.

FDA cautions that the final classification of a device may differ from the proposal. Factors that may cause such a change include comments, the agency's reconsideration of existing data and information, and the agency's consideration of new data and information.

Priorities for Class II and Class III Devices

For a device that the Panel recommends be classified into class II or class III, section 513(c)(2)(A) of the act requires that the Panel recommendation include, to the extent practicable, a recommendation for the assignment of priorities for application to the device of performance standards or premarket approval requirements. In developing its advice concerning priorities ("high" or "low") of devices recommended for classification into class II or class III, the Panel compared the device with other obstetrical and gynecological devices, based on information available to the Panel members concerning the relative importance of use of the device and the relative risks presented by the device. The Panel recommended assignment of a "high priority" only to those class II or class III devices that the Panel believed should receive the agency's immediate attention.

The Commissioner is not proposing at this time to establish priorities for development of performance standards for class II devices or application of premarket approval requirements to class III devices. Section 513(d)(3) of the act authorizes, but does not require establishment of these priorities. At a later date, however, the Commissioner will establish priorities for the development of standards for class II devices and the application of premarket approval requirements to class III devices. These priorities will be based on the classification panels' recommendations, available resources, and other relevant factors. The agency's priorities will be reflected in the agency's annual budget request and other publicly available documents and may be published in the **Federal Register.**

The agency intends to proceed as quickly as the statute and classification panel resources permit to require premarket approval of devices classified into class III. There are two factors affecting the length of time necessary before FDA requires submission of premarket approval applications for any particular device that is classified by an FDA regulation into class III: The number of devices reviewed by a panel and the priority of a particular device in relation to other class III devices considered by a classification panel. For example, where FDA classifies into class III only a few devices within a Panel's specialty area, FDA may at the same time also publish regulations under section 515(b) of the act requiring premarket approval for many of the class III devices considered by the Panel, regardless of whether of a high or a low priority. Where practical, FDA will publish these section 515(b) regulations during the grace period (30 months) following classification, during which a device classified into class III by FDA regulation may lawfully remain on the market without a premarket approval application. The grace period is provided for in section 501(f) of the act (21 U.S.C. 351(f)).

List of Obstetrical and Gynecological Devices

The following is a list of the obstetrical and gynecological devices FDA is proposing to classify, the section in the Code of Federal Regulations under which the regulation classifying the device will be codified, the docket number of the proposed classification regulation, and the proposed classification of each device.

Subpart B—Obstetrical and Gynecological Diagnostic Devices

Section	Device	Docket No.	Class
884.1050	Endocervical aspirator	78N-1107	II
884.1060	Endometrial aspirator	78N-1108	III
884.1100	Endometrial brush	78N-1109	III
884.1175	Endometrial suction curette and accessories	78N-1110	II
884.1185	Endometrial washer	78N-1111	III
884.1300	Uterotubal carbon dioxide insufflator and accessories	78N-1112	II
884.1425	Perineometer	78N-1113	II
884.1550	Amniotic fluid sampler (amniocentesis tray)	78N-1114	II
884.1560	Fetal blood sampler	78N-1115	II
884.1600	Transabdominal amnioscope (fetoscope) and accessories	78N-1116	III
884.1630	Colposcope	78N-1117	II
884.1640	Culdoscope and accessories	78N-1118	II
884.1660	Transcervical endoscope (amnioscope) and accessories	78N-1119	II
884.1690	Hysteroscope and accessories	78N-1120	II
884.1700	Hysteroscopic insufflator	78N-1121	II
884.1720	Gynecologic laparoscope and accessories	78N-1122	II
884.1730	Laparoscopic insufflator	78N-1123	II

Subpart C—Obstetrical and Gynecological Monitoring Devices

884.2050	Obstetric data analyzer	78N-1124	III
884.2225	Obstetric-gynecologic ultrasonic imager	78N-1125	II
884.2600	Fetal cardiac monitor	78N-1126	II
884.2620	Fetal electroencephalographic monitor	78N-1127	III
884.2640	Fetal phonocardiographic monitor and accessories	78N-1128	II
884.2660	Fetal ultrasonic monitor and accessories	78N-1129	II
884.2675	Fetal scalp circular (spiral) electrode and applicator	78N-1130	II
884.2685	Fetal scalp clip electrode and applicator	78N-1131	III
884.2700	Intrauterine pressure monitor and accessories	78N-1132	II
884.2720	External uterine contraction monitor and accessories	78N-1133	II
884.2740	Perinatal monitoring system and accessories	78N-1134	II
884.2900	Fetal stethoscope	78N-1135	I
884.2960	Obstetric ultrasonic transducer and accessories	78N-1136	II

Subpart D—Obstetrical and Gynecological Prosthetic Devices

884.3200	Cervical drain	78N-1137	II
884.3575	Vaginal pessary	78N-1138	II
884.3650	Fallopian tube prosthesis	78N-1140	II
884.3900	Vaginal stent	78N-1141	II

Subpart E—Obstetrical and Gynecological Surgical Devices

884.4100	Endoscopic electrocautery and accessories	78N-1142	III
884.4120	Gynecologic electrocautery and accessories	78N-1143	II
884.4150	Bipolar endoscopic coagulator-cutter and accessories	78N-1144	III
884.4160	Unipolar endoscopic coagulator-cutter and accessories	78N-1145	II
884.4250	Expandable cervical dilator	78N-1146	III
884.4260	Hygroscopic-laminaria cervical dilator	78N-1147	II
884.4270	Vibratory cervical dilator	78N-1148	III
884.4340	Fetal vacuum extractor	78N-1149	II
884.4400	Ostetric forceps	78N-1150	II
884.4500	Obstetric fetal destructive instrument	78N-1151	II
884.4520	Obstetric-gynecologic general manual instrument	78N-1152	I
884.4530	Obstetric-gynecologic specialized manual instrument	78N-1153	II
884.4550	Gynecologic surgical laser	78N-1154	II
884.4900	Obstetric table and accessories	78N-1155	II

Subpart F—Obstetrical and Gynecological Therapeutic Devices

884.5050	Metreurynter-balloon abortion system	78N-1156	III
884.5070	Vacuum abortion system	78N-1157	II
884.5100	Obstetric anesthesia set	78N-1158	II
884.5150	Nonpowered breast pump	78N-1159	I
884.5160	Powered breast pump	78N-1160	II
884.5250	Cervical cap	78N-1161	II
884.5225	Abdominal decompression chamber	78N-1162	II
884.5300	Condom	78N-1163	II
884.5350	Contraceptive diaphragm and accessories	78N-1164	II
884.5360	Contraceptive intrauterine device (IUD) and introducer	78N-1165	III
884.5380	Contraceptive tubal occulusion device (TOD) and introducer	78N-1166	III
884.5390	Perineal heater	78N-1167	II
884.5400	Menstrual cup	78N-1168	II
884.5425	Scented deodorized menstrual pad	78N-1169	II
884.5435	Untreated menstrual pad	78N-1170	I
884.5460	Scented deodorized menstrual tampon	78N-1171	II
884.5470	Untreated menstrual tampon	78N-1172	II
884.5900	Vaginal douche kit	78N-1173	II
884.5920	Vaginal insufflator	78N-1174	I
884.5940	Powered vaginal muscle stimulator	78N-1175	III
884.5960	Genital vibrator	78N-1176	II

Devices Considered by Two or More Panels

Many devices were reviewed by two or more device classification panels. For these devices, FDA will publish each panel's recommendations and a single proposed classification regulation. The following devices were considered by the Obstetrical and Gynecological Device Classification Panel and by other panels:

1. The General Hospital Device Classification Panel recommended that the prophylactic (condom) be classified into class II. The Obstetrical and Gynecological Device Classification Panel recommended that the contraceptive condom (rubber) be classified into class II. The Commissioner has determined that these devices are essentially the same. Therefore, the Commissioner is proposing a single regulation classifying the condom into class II, and is publishing the two panels' recommendations in a proposal appearing elsewhere in this issue of the **Federal Register.**

2. The Obstetrical and Gynecological Device Classification Panel and the other panels listed below made classification recommendations concerning the following devices:

Device and Other panel(s)
Cervical Cryosurgery and accessories, General and plastic surgery
Manual sitz bath, Physical medicine
Ob-Gyn abdominal binder, General hospital
Breast binder, General hospital
Nipple shield, General hospital

The Commissioner is not at this time publishing the Obstetrical and Gynecological Device Classification Panel's recommendations to classify the devices listed above. The Commissioner will publish these recommendations, and proposed classification regulations, when he publishes the recommendations of other panels that reviewed the devices.

Cerclage Suture Prosthesis

At a future date, FDA will publish in the **Federal Register** a final regulation stating that one obstetrical and gynecological device (cerclage suture prosthesis) is classified into class III (premarket approval) because of transitional provisions of the act in section 520(1) (21 U.S.C. 360j(1)). The transitional provisions classify into class III any device previously regarded by FDA as a new drug. At the time FDA publishes this regulation, the agency also will publish the Panel's recommendations regarding the cerclage suture prosthesis.

Environmental Impact

The Commissioner has carefully considered the environmental effects of proposed § 884.1 and of the proposed obstetrical and gynecological device classification regulations and because the proposed actions will not significantly affect the quality of the human environment has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration (address above)

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513 and 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)), and under authority delegated to the Commissioner (21 U.S.C. 5.1), the Commissioner proposes that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 884 and Subpart A, to read as follows:

PART 884—OBSTETRICAN AND GYNECOLOGICAL DEVICES

Subpart A—General Provisions

Sec.
884.1 Scope.

Authority: Secs. 513 and 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c and 701(a)).

Subpart A—General Provisions

§ 884.1 Scope.

(a) This part sets forth the classification of obstetrical and gynecological devices intended for human use.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under Part 807 of this chapter cannot show merely that the device is accurately described by the section title and identification provision of a regulation in this part, but shall state why the device is substantially equivalent to other devices, as required by § 807.87 of this chapter.

(c) To avoid duplicative listings, and obstetrical or gynecological device that has two or more types of uses (e.g., use both as a diagnostic device and as a therapeutic device) is listed in the subpart representing one use of the device, rather than in two or more subparts.

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding proposed § 884.1. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office, between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1106]

[FR Doc. 79–9410 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Endocervical Aspirators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying endocervical aspirators into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of endocervical aspirators:

1. Identification: An endocervical aspirator is a device designed to remove tissue from the endocervix (mucous membrane lining the canal of the cervix of the uterus) by suction with a syringe, bulb and pipette, or catheter. This device is used to evaluate the endocervical tissue to detect malignant and premalignant lesions.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that endocervical aspirators be classified into class II (performance standards) because the Panel believes that the device materials contacting the endocervical tissues should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel recommends that the method of sterilization to prevent infection be stated in the device labeling. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel states that because endocervical cancer appears on the surface of the endocervix, a sample of the cells of the endocervical tissue can be adequately removed with this device. The endocervical aspirator may not be as effective as biopsy in the detection of lesions on the lower cervix, or as curettage for lesions of the upper cervix, but the Panel believes that proper use of the device can achieve adequate results. The Panel believes, however, that the use of this device should not replace biopsy or curettage in cases of suspected malignancy. The Panel also recommends that this device not be used when the patient is pregnant. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device.

5. Risks to health: (a) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (b) Misdiagnosis: Inadequate design could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily. (c) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that endocervical aspirators be classified into class II (performance standards). The Commissioner believes that a performance standard is

necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 by adding new Subpart B and new § 884.1050 as follows:

Subpart B—Obstetrical and Gynecological Diagnostic Devices

§ 884.1050 Endocervical aspirator.

(a) *Identification.* An endocervical aspirator is a device designed to remove tissue from the endocervix (mucous membrane lining the canal of the cervix of the uterus) by suction with a syringe, bulb and pipette, or catheter. This device is used to evaluate and endocervical tissue to detect malignant and premalignant lesions.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1107]

[FR Doc. 79–9411 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M]

[21 CFR Part 884]

Classification of Endometrial Aspirators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying endometrial aspirators into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of endometrial aspirators:

1. Identification: An endometrial aspirator is a device used to remove materials from the endometrium (the mucosal lining of the uterus) by suction with a syringe, bulb and pipette, or catheter. This device is used to study endometrial cytology (cells).

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that endometrial aspirators be classifed into class III (premarket approval) because the Panel believes that satisfactory performance has never been demonstrated. The Panel believes, however, that certain characteristics of this device could be controlled by performance standards. The device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The method of sterilization must be stated in the device labeling to prevent infection. The Panel also notes that this device should not be used when the patient is pregnant. Because this device may not be as effective as endometrial biopsy for routine screening of patients, the Panel believes that its use should not replace dilation and currettage for the diagnosis of cases of abnormal bleeding or suspected malignancy. The extent to which the endometrial aspirator takes representative samples is vital in the diagnosis of malignant and premalignant endometrial lesions. Because endometrial malignant and premalignant lesions sometimes develop deep within the endometrial tissue, a sample of the cells of the endometrial surface may not be adequate for an accurate diagnosis. If the device design does not permit effective sampling of uterine mucosa, there exists the risk of misdiagnosis of cancer. The Panel believes that a performance standard alone will not provide reasonable assurance of the safety and effectiveness of the device and that there is insufficient information to establish a standard to provide such assurance. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the current literature, citing an article which indicates that the endometrial aspirator fails to detect 25 to 50 percent of malignancies and 50 to 75 percent of premalignant lesions (Ref. 1).

5. Risks to health: (a) Misdiagnosis: Inadequate design could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that would cause infection. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that endometrial aspirators be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has obtained additional data and information describing the application of endometrial sampling devices which do not involve curettage that are used to detect malignant and premalignant lesions of the uterus. The literature shows that the endometrial aspirator failed to detect malignant lesions or premalignant lesions satisfactorily (Ref. 2). The Commissioner also reviewed this device in its intended use for menstrual

extraction (5 to 20 days following the failure of an expected menstruation) (Ref. 3). For this indication, the device failed to evacuate completely the pregnant uterus in 12.1 percent of cases, whereupon a second procedure was required to complete the abortion (Ref. 4).

The Commissioner believes that the device is purported or represented to be for a use (removal of cells to study endometrial cytology for cancer screening) that is of substantial importance in preventing impairment of human health. The Commissioner believes that the device presents a potential unreasonable risk of illness or injury to the patient if practitioners rely upon the information derived from this device to diagnose malignant or premalignant lesions. The Commissioner believes that insufficient information exists to determine that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device, and that insufficient information exists to establish a performance standard that will provide such assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Anderson, D. G., et al., "The Cytologic Diagnosis of Endometrial Adenocarcinoma," *American Journal of Obstetrics and Gynecology*, 125(3):376, June 1976.

2. Isaacs, J. H. and R. W. Wilhoite, "Aspriation Cytology of the Endometrium: Office and Hospital Sampling Procedures," *American Journal of Obstetrics and Gynecology*, 118(5):679, March 1974.

3. Landesman, R., et al., "Menstrual Extraction: Review of 400 Procedures at the Women's Services, New York, New York," *Contraception*, 8(6):527, December 1973.

4. Bendel, R., et al., "Endometrial Aspriation in Fertility Control," *American Journal of Obstetrics and Gynecology*, 125(3):328, June 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1060 as follows:

§ 884.1060 Endometrial aspirator.

(a) *Identification.* An endometrial aspirator is a device designed to remove materials from the endometrium (the mucosal lining of the uterus) by suction with a syringe, bulb and pipette, or catheter. This device is used to study endometrial cytology (cells).

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1108]

[FR Doc. 79–9412 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Endometrial Brushes

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying endometrial brushes into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of endometrial brushes:

1. Identification: An endometrial brush is a device designed to remove samples of the endometrium (the mucosal lining of the uterus) by brushing its surface. This device is used to study endometrial cytology (cells).

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that endometrial brushes be classified into class III (premarket approval) because the Panel believes that satisfactory performance has never been demonstrated. The Panel, however, believes that certain characteristics of this device could be controlled by performance standards. The device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. Material and design standards are necessary to prevent the bristles of the brush from shedding and causing irritation and damage to tissue. The Panel believes that the method of sterilization to prevent infection should be stated in the labeling. The Panel also notes that this device should not be used when the patient is pregnant. Because this device may not be as effective as endometrial biopsy for routine screening of patients, the Panel believes that its use should not replace dilation and curettage for the diagnosis of cases of abnormal bleeding or suspected malignancy. The extent to which the endometrial brush takes representative samples is vital in the diagnosis of malignant and premalignant endometrial lesions. Because endometrial malignant and premalignant lesions sometimes develop deep within the endometrial tissue, a sample of only the cells of the endometrial surface may not be adequate for an accurate diagnosis. If the device design does not permit effective sampling of uterine mucosa, the risk of misdiagnosing cancer may exist. The Panel believes that a performance standard alone will not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard to provide such assurance. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory

performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the current literature, citing one article which indicates that the endometrial brush fails to detect malignant lesions in 36 percent of the reported cases and fails to collect an adequate sample for diagnosis in 32 percent of the cases (Ref. 1).

5. Riskes to health: (a) Misdiagnosis: Inadequate design could lead to the generation of inaccurate diagnositc data. If inaccurate diagnositic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (d) Irritation and trauma: The shedding of the bristles of this device could result in irritation and damage to tissue.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that endometrial brushes be classified into class III (premarket approval). The Commissioner believes that the device is purported or represented to be for a use (removal of cells to study endometrial cytology for cancer screening) that is of substantial importance in preventing impairment of human health. The Commissioner believes that the device presents a potential unreasonable risk of illness or injury to the patient if practitioners rely upon the information derived from this device to diagnose malignant or premalignant lesions. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide such assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above), and may be seen by interested persons, from 9 a.m. to 4 p.m. Monday through Friday.

1. Anderson, D. G. et al., "The Cytologic Diagnosis of Endometrial Adenocarcinoma," *American Journal of Obstetrics and Gynecology*, 125(3):276, June 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1100 as follows:

§ 884.1100 Endometrial brush.

(a) *Identification.* An endometrial brush is a device designed to remove samples of the endometrium (the mucosal lining of the uterus) by brushing its surface. This device is used to study endometrial cytology (cells).

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1109]

[FR Doc. 79–9413 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Endometrial Suction Curettes and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying endometrial suction curettes and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation with respect to the classification of endometrial suction curettes and accessories:

1. Identification: An endometrial suction curette is a device designed to remove material from the mucosal lining of the uterus by scraping and vacuum suction. This device is used for biopsy or menstrual extraction. This generic type of device may include catheters, syringes, and tissue filters or traps. The Panel previously considered this generic type of device under the name "edometrial suction biopsy curette."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that endometrial suction curettes and accessories be classified into class II (performance standards) because the Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel recommends that the method of sterilization to prevent infection be stated in the device labeling. The Panel also believes that material standards are necessary to assure appropriate flexibility of the device to prevent perforation of the uterus. The Panel states that a design standard is necessary to control the serration of the curette end, which could cause trauma to the uterine tissues. The Panel also notes that when the device is used with other devices as a system, the combination must be compatible. The Panel recommends that when this device is used with a powered vacuum source, the vacuum pressure must be controlled so that it is not excessive. This device should not be used for biopsy when the patient is pregnant; the Panel states that the suction curette can scrape deep into the endometrial tissue when taking a representative sample of the tissue. Even though this device is effective for routine screening of cancer when used

properly, the Panel recommends that it not replace dilation and curettage for diagnosing cases of abnormal bleeding or suspected malignancy. The Panel beieves that general controls alone will not provide sufficient control over the characteristics of this device. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommedation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. A review of gynecological textbooks and handbooks of procedure shows many years of extensive clinical experience with and widespread use of this device.

5. Risks to health: (a) Trauma: An improperly serrated curette tip could cause injury to the endometrium. (b) Perforation: A curette that is too rigid will increase the risk of uterine perforation. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (d) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that endometrial suction curettes and accessories be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained additional information and data describing endometrial suction curettes. Publishes studies of large-scale use demonstrate the suction curette to be a cost-effective device with minimal risks (Refs. 1, 2, and 3). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Chiasson, S. W., P. Huang, and S. P. Regec, "Suction Curettage of the Endometrium in an Ambulatory Patient," *Journal of Reproductive Medicine*, 21(3):159–162, September 1978.

2. Webb, M. J. and T. A. Gaffey, "Outpatient Diagnostic Aspiration Curettage," *Obstetrics and Gynecology*, 47(2):239–242, February 1976.

3. van der Vlugt, T. and P. T. Piotrow, "Menstrual Regulation Update," Population Report, Series F, No. 4, May 1974.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1175 as follows:

§ 884.1175 Endometrial suction curette and accessories.

(a) *Identification.* An endometrial suction curette is a device designed to remove material from the mucosal lining of the uterus by scraping and vacuum suction. This device is used for biopsy or menstrual extraction. This generic type of device may include catheters, syringes, and tissue filters or traps.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1110]

[FR Doc. 79–9414 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Endometrial Washers

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying endometrial washers into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of endometrial washers:

1. Identification: An endometrial washer is a device used to remove materials from the endometrium (the mucosal lining of the uterus) by washing with water or saline solution under negative pressure. This device is used to study endometrial cytology (cells).

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that endometrial washers be classified into class III (premarket approval) because the Panel believes that satisfactory performance has never been demonstrated. The Panel, however, believes that certain characteristics of this device could be controlled by performance standards. The device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. When using this device, intrauterine pressure should not exceed 50 millimeters of mercury (mmHg). Design standards are necessary to prevent excessive pressure or vacuum that could cause tissue trauma or infection. The Panel recommends that the method of sterilization

be stated in the device labeling. Material standards would ensure the appropriate flexibility of the endometrial washer to prevent uterine perforation. The Panel also notes that this device should not be used when the patient is pregnant. Because this device may not be as effective as endometrial biopsy for screening of patients, the Panel believes that its use should not replace dilation and curettage for diagnosing abnormal bleeding or suspected malignancy. The extent to which the endometrial washer takes representative endometrial samples is vital in the diagnosis of malignant and premalignant endometrial lesions. Because endometrial malignant and premalignant lesions sometimes occur deep within the endometrial tissue, a sample only of the cells of the endometrial surface is not adequate for an accurate diagnosis. If the device's design does not permit effective sampling of uterine mucosa, the risk of misdiagnosing cancer exists. The Panel believes that a performance standard alone will not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the current literature. In one case study of 220 patients, the device failed to detect 6 of 12 cases of adenocarcinoma (cancer) (Ref. 1). In another case study of 556 patients, the device failed to detect 14 of 25 cases of adenocarcinoma (Ref. 2). Many of the failures were due to inadequate specimens.

5. Risks to health: (a) Misdiagnosis: Inadequate design could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes into contact with the patient. (d) Perforation: Rigidity of the device could result in a part of the device puncturing the patient's uterus. (e) Trauma: Excessive vacuum in the divice could result in tissue damage if the device does not have fail-safe means to control the vacuum.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that endometrial washers be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has obtained additional information and data describing endometrial sampling devices that do not involve curettage and that are used to detect malignant and premalignant lesions of the uterus. Although early studies showed that the device may be effective, more recent comparative studies have shown the need for more data (Refs. 3 and 4).

The Commissioner believes that the devices is purported or represented to be for a use (removal of cells to study endometrial cytology for cancer screening) that is of substantial importance in preventing impairment of human health. The Commissioner believes that the device presents a potential unreasonable risk of illness or injury to the patient if practitioners rely upon the information derived from this device to diagnose malignant or premalignant lesions. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to profide such assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Afonso, J. F., "Value of the Gravlee Jet Washer in the Diagnosis of Endometrial Cancer," *Obstetrics and Gynecology*, 46(2):141–146, August 1975.

2. Twiggs, L. B., et al., "Gravlee Jet Irrigator: Efficacy in Diagnosis of Endometrial Neoplasia," *Journal of the American Medical Association*, 235(25):2748–2750, June 1976.

3. Abate, S. D., et al., "A Comparative Study of the Endometrial Jet-Washing Technic and Endometrial Biopsy," *American Journal of Clinical Pathology*, 58:118–122, August 1972.

4. Anderson, D. G. et at., "The Cytologic Diagnosis of Endometrial Adenocarcinoma," *American Journal of Obstetrics and Gynecology*, 125(3):276, June 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701ca), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1185 as follows:

§ 884.1185 Endometrial washer.

(a) *Identification.* An endometrial washer is a device used to remove materials from the endometruim (the mucosal lining of the uterus) by washing with water or saline solution under negative pressure. This device is used to study endometrial cytology (cells).

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFT–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1111]

[FR Doc. 79–9415 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Uterotubal Carbon Dioxide Insufflators and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying uterotubal carbon dioxide insufflators and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of uterotubal carbon dioxide insufflators and accessories:

1. Identification: A uterotubal carbon dioxide insufflator is a device used to test the patency (lack of obstruction) of the fallopian tubes by pressurizing the uterus and fallopian tubes and filling them with carbon dioxide gas.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that uterotubal carbon dioxide insufflators and accessories be classified into class II (performance standards) because the Panel believes that materials contacting the body should meet a biocompatibility standard to prevent adverse tissue reaction. Also, the Panel states that electrical safety standards are required to minimize the hazard of electrical shock. The Panel believes that a design standard is necessary to assure safe pressure levels. Excessive pressure from the insufflator could casue damage to internal organs and the induction of emboli into the blood stream. To control the pressure of the device, the Panel recommends that the device incorporate fail-safe means to preclude the possibility of excessive pressure. The Panel also believes that uterotubal carbon dioxide insufflators must meet certain measurement standards by addressing the accuracy and resolution of controls, and indicators for flow rate, pressure, and volume, to minimize further the possibility of overinsufflation. The Panel also recommends that the only gas used be carbon dioxide. This device must not be used in pregnancy, during menstruation, or after ovulation. The Panel states that when this device is used with other devices as a system, the combination must be compatible. The Panel also recommends that, to prevent infection, the method of sterilization be stated in the device labeling. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The diagnostic procedure during which this device is used is described is standard obstetrical and gynecological textbooks. The procedure is a common fertility test (Rubin test), whereby the uterus is insufflated and the patency of the fallopian tubes is determined by the uterine pressure level reached at a specified gas flow rate (Ref. 1).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Trauma and hemorrhage: Failure of a control mechanism of the device could result in a part of the device injuring the patient. (d) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (e) Uterine rupture and gas emboli: Excessive pressure of the device could result in uterine rupture or gas emboli if controls and indicators for flow rate are not accurate.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that uterotubal carbon dioxide insufflators and accessories be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Greenhill, J. P., "Office Gynecology," 9th Ed., Yearbook Publishers, Inc., Chicago, 1971.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1300 as follows:

§ 884.1300 Uterotubal carbon dioxide insufflator and accessories.

(a) *Identification.* A uterotubal carbon dioxide insufflator is a device used to test the patency (lack of obstruction) of the fallopian tubes by pressurizing the uterus and fallopian tubes and filling them with carbon dioxide gas.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1112]

[FR Doc. 79–9416 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Perineometers

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying perineometers into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of perineometers:

1. Identification: A perineometer is an intravaginal fluid-filled sack, attached to an external manometer, used to measure the strength of the perineal muscles by offering resistance to a patient's voluntary contractions of these muscles. This device is used to diagnose and to correct urinary incontinence or sexual dysfunction through exercise.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that perineometers be classified into class II (performance standards) because the Panel believes that the device materials contacting vaginal tissue should meet a biocompatibility standard to prevent an adverse tissue reaction. The sack portion of the perineometer, often made of rubber, is difficult to clean and sterilize; therefore, the Panel recommends that the method of sterilization be stated in the device labeling to prevent infection. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that the device be used only under the management of a physician. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel notes that in a study of 500 cases of mild-to-moderate stress incontinence, 75 percent of the patients obtained complete relief in 6 to 8 weeks with no untoward effects (Ref. 1).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that perineometers be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Kegel, A., "Physiologic Therapy for Urinary Stress Incontinence," *Journal of the American Medical Association*, 146:915, 1951.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1425 as follows:

§ 884.1425 Perineometer.

(a) *Identification.* A perineometer is an intravaginal fluid-filled sack, attached to an external manometer, used to measure the strength of the perineal muscles by offering resistance to a patient's voluntary contractions of these muscles. This device is used to diagnose and to correct urinary incontinence or sexual dysfunction through exercise.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1113]

[FR Doc. 79–9417 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Amniotic Fluid Samplers (Amniocentesis Trays)

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying amniotic fluid samplers (amniocentesis trays) into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gyncological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. the Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of amniotic fluid samplers (amniocentesis trays):

1. Identification: An amniotic fluid sampler is a device used for amniocentesis (transabdominal aspiration of fluid from the amniotic sac). The sampler consists of disposable instruments, drapes, specimen containers, and other accessories on a tray. The Panel previously considered this generic type of device under the name "amniocentesis tray."

2. Recommended classification: Class II (performance standards). The Panel

recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that amniotic fluid samplers (amniocentesis trays) be classified into class II (performance standards) because the Panel believes that material standards are necessary to assure an adequate surface finish and appropriate tensile strength to prevent trauma and mortal injury to the fetus. The Panel states that the device materials contacting the body should meet a biocompatibility standard to prevent adverse tissue reaction. The Panel recommends that, to prevent infection, the method of sterilization should be stated in the device labeling. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel states that only a physician should use the device for amniocentesis. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. Panel member J. T. Queenan, M.D., performed over 5,000 procedures and attested to the safety of the procedure if done with care (Ref. 1). The Panel also reviewed the literature on the research completed by the National Institute of Child Health and Human Development. This study determined that amniocentesis is a highly accurate and safe procedure (Ref. 2).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

(b) Trauma: Breakage or roughness of the needle could result in mortal injury to the fetus. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient or fetus. (d) Fetal immunizations: Fetal immunization (incompatibility of the blood of the mother and fetus) can be minimized by the use of preoperative diagnostic ultrasound for placenta localization.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that amniotic fluid samplers (amniocentesis trays) be classified into class II (performance standards). The Commissioner has reviewed the Panel's recommendation and has obtained additional information and data describing the application of amniotic fluid samplers. The literature states that amniocentesis represents a step toward the reduction of tragic births (Ref. 3) and can be performed without significant risk to the ultimate outcome of pregnancy (Ref. 4). The Commissioner recognizes that there are potential risks associated with amniocentesis, e.g., puncturing of the fetus and spontaneous abortion (Refs. 5, 6, and 7). These occurrences are rare and do not negate the value of amniocentesis.

The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Queenan, J. T., "Modern Management of The Rh Problem," Harper and Row, New York, 1977.

2. The NICHD National Registry for Amniocentesis Study Group, "Midtrimester Amniocentesis for Prenatal Diagnosis: Safety and Accuracy," *Journal of the American Medical Association*, 236(13):1471–1476, September 1976.

3. Goldstein A. I. and K. W. Dumars, "Minimizing the Risk of Amniocentesis for Prenatal Diagnosis," *Journal of the American Medical Association*, 237(13):1336–1338, March 1977.

4. Young, P. E., et al., "Amniocentesis for Antenatal Diagnosis: Review of Problems and Outcomes in a Large Series," *American Journal of Obstetrics and Gynecology*, 125(4):495–501, June 1976.

5. Karp, L. E. and P. W. Hayden, "Fetal Puncture During Midtrimester Amniocentesis," *Obstetrics and Gynecology*, 49(1):115–117, January 1977.

6. Broome, D. L., M. G. Wilson, B. Weiss, and B. Kellogg, "Needle Puncture of Fetus: A Complication of Second-Trimester Amniocentesis," *American Journal of Obstetrics and Gynecology*, 126(2):247–252, September 1976.

7. Philip, J. and J. Bang, "Outcome of Pregnancy after Amniocentesis for Chromosome Analysis," *British Medical Journal*, 2:1183–1184, October 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1550 as follows:

§ 884.1550 Amniotic fluid sampler (amniocentesis tray).

(a) *Identification.* An amniotic fluid sampler is a device used for amniocentesis (transabdominal aspiration of fluid from the amniotic sac). The sampler consists of disposable instruments, drapes, specimen containers, and other accessories on a tray.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1114]
[FR Doc. 79–9418 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03

[21 CFR Part 884]

Classification of Fetal Blood Samplers

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal blood samplers into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices

(HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of fetal blood samplers:

1. Identification: A fetal blood sampler is a device used to obtain fetal blood transcervically through an endoscope by puncturing the fetal skin with a short blade and drawing blood into a heparinized tube. The fetal blood pH is determined and used in the diagnosis of fetal distress and fetal hypoxia. The Panel previously considered this generic type of device under the name "fetal scalp blood sampler."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that fetal blood samplers be classified into class II (performance standards) because the Panel believes that a design standard must prevent the blade from cutting any further than a standardized tissue depth (e.g., by use of a blade guard) to protect the fetal scalp and brain or other presenting part. This design standard must also assure retention of the blade in the handle to prevent trauma to the fetus and uterus. The Panel also believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel recommends that to prevent infection the method of sterilization be stated in the device labeling. The Panel notes that, when this device is used with other devices as a system, the combination most be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also states that the use of this device is contraindicated in the presence of infection, Rh incompatibility, or fetal blood disorder. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The fetal blood sampler is used at many perinatal centers. At one hospital, 1,025 fetal blood samples were collected in 640 cases. In that group, two fetal deaths due to hemorrhage were reported, which could have been prevented if the device had had a blade guard. (Ref 1). Dr. E. Saling, a pioneer in the use of this device, reports no serious incidents in his experience with more than 8,000 cases (Ref. 2). Saling does note a slightly increased risk of infection for mother and child. The Panel cites extensive clinical use of this device by Saling, by Dr. A. E. Seeds of Cincinnati, and by Dr. R. W. Beard of London.

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Trauma, hemorrhage, or perforation: Breakage or incorrect dimensions of the blade could result in a part of the device injuring the fetus and uterus or puncturing the fetal brain. Trauma to mother or fetus could occur if the heparinized glass capillary tube fractures during the procedure. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient and fetus.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal blood samplers be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m to 4 p.m., Monday through Friday.

1. Beard, R. W., et al., "Haemorrhage Following Fetal Blood Sampling," *Journal of Obstetrics and Gynecology of the British Commonwealth*, 73:860–861, 1966.

2. Saling, E., et al., "The Present Situation of Clinical Monitoring of the Fetus During Labor," *Journal of Perinatal Medicine*, 1:92–94, 1973.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1560 as follows:

§ 884.1560 Fetal blood sampler.

(a) *Identification.* A fetal blood sampler is a device used to obtain fetal blood transcervically through an endoscope by puncturing the fetal skin with a short blade and drawing blood into a heparinized tube. The fetal blood pH is determined and used in the diagnosis of fetal distress and fetal hypoxia.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–115]

[FR Doc. 79–9419 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Transabdominal Amnioscopes (Fetoscopes) and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying transabdominal amnioscopes (fetoscopes) and accessories into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of transabdominal amnioscopes (fetoscopes) and accessories:

1. Identification: A transabdominal amnioscope is a device designed to permit direct visual examination of the fetus by a telescopic system via abdominal entry. The device is used to ascertain fetal abnormalities, to obtain fetal blood samples, or to obtain fetal tissue. This generic type of device may include the following accessories: trocar and cannula, instruments used through an operating channel or through a separate cannula associated with the amnioscope, light source and cables, and component parts.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority

3. Summary of reasons for recommendation: The Panel recommends that transabdominal amnioscopes be classified into class III. The Panel believes that because satisfactory performance has never been demonstrated, it is not possible to establish an adequate performance standard for this device. The procedure employing the transabdominal amnioscope should be done at a well-equipped medical center that has experienced personnel capable of diagnosing and treating potential complications. Informed patient consent and institutional review practices should be followed. This device will be very useful in expanding present knowledge of prenatal genetics. The risk to benefit ratio has been improving steadily (Ref. 1). The Panel believes that electrical safety standards are required to minimize the hazard of electrical shock. The Panel also stated that the light source must not present hot surfaces that could cause burns to internal tissues. The device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. Furthermore, the Panel believes that design standards are necessary to assure that the diameter of the scope is sufficiently small to prevent trauma and hemorrhage or induced abortion when the fetoscope is introduced transabdominally into the uterus. The Panel recommends that the method of sterilization be stated in the device labeling, to prevent infection. Although the above hazards can be controlled by a performance standard, the Panel believes that premarket approval is necessary to assure that each device design is effective. The Panel agrees that any invasive technique, except where delivery is imminent, presents a high risk to the fetus and pregnant patient. Additionally, the Panel notes that the device's use may be contraindicated if the placenta is on the anterior side of the uterus because, in this case fetoscopy may induce spontaneous abortion (Ref. 2). The Panel recommends that this risk be reduced by the use of ultrasound to locate fetal parts and placenta prior to its use. The Panel considers available information insufficient to establish standards to provide assurance of the safety and effectiveness of this device.

Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the literature on the device (Refs. 1 and 2). The Panel believes that clinical experience with the device is too limited to establish its safe and effective use (Ref. 2). Dr. Jordan Phillips, a Panel member who has had first-hand knowledge concerning its development, stated at the Obstetrical and Gynecological Device Classification Panel meeting on July 13, 1976, that although this device is beneficial in determining fetal anomalies (neural tube disorder) through direct visualization of the fetus or congenital defects through fetal blood sampling (Refs. 2 and 3), its use is considered a "risk procedure" at this time.

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns when the device contacts the patient's body. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (d) Trauma, hemorrhage, and perforation: Improper scope size of the device could result in mortal injury to the fetus. (e) Adverse tissue reaction: Material or substances in the device could result in a systemic or local tissue reaction when the device contacts the patient's tissue or the fetus. (f) Premature labor: Use of the device could result in premature labor, and possibly induced abortion, especially when the patient has an anterior placenta.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that transabdominal amnioscopes be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has obtained additional data and information describing the application of transabdominal amnioscopes to examine the fetus visually and collect tissue samplings. The Commissioner notes additional characteristics of the device that can be controlled by performance standards. The needle must be sharp enough that it will not penetrate fetal membranes; the trocar within the cannula must be an exact fit so that no lip of metal will impede puncture of the uterus; and the cannula should be etched so that the user knows exactly how far the fetoscope within the uterus can be withdrawn without removing it completely (Ref. 4). However, the Commissioner is concerned about problems with the device that cannot be controlled by performance standards, namely the reported frequency of diagnostic error, failure of sample acquisition, and fetal loss (Ref. 1). The Commissioner believes that the device is purported or represented to be for a use (detection of fetal congenital abnormalities) that is of substantial importance in preventing impairment of human health. The Commissioner believes the device presents a potential unreasonable risk of illness or injury because its safety and effectiveness have not yet been adequately determined. Moreover, the value of diagnostic information on fetal status may not outweigh the fetal risk (Ref. 5). Therefore, the device should be subject to premarket approval. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide such assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Alter, B. P., C. B. Modell, D. Fairweather, J. C. Hobbins, M. J. Mahoney, F. D. Frigoletto, A. S. Sherman, and D. G. Nathan, "Prenatal Diagnosis of Hemoglobinopathies," *New England Journal of Medicine*, 26:1437–43, 1976.

2. Phillips, J. M., "Fetoscopy: An Overview," *The Journal or Reproductive Medicine*, 15:69–72, 1975.

3. Summary Minutes of the Thirteenth Meeting of the Obstetrical and Gynecological Device Classification Panel, July 1976.

4. Morris, J. A., E. C. Davidson, J. J. Arce, J. E. Maidman, J. E. Brown, and R. Frazer, "Sampling the Fetoplacental Circulation: II.

Combined Laparoscopy-Fetoscopy in the Pregnant Ovine," *The American Journal of Obstetrics and Gynecology*, 128:279–86, 1977.

5. Phillips, J. M., "Fetoscopy: Its Genesis and Promise," *The Journal of Reproductive Medicine*, 21(37):115–122, September 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1600 as follows:

§ 884.1600 Transabdonimal amnioscope (fetoscope) and accessories.

(a) *Identification.* A transabdominal amnioscope is a device designed to permit direct visual examination of the fetus by a telescopic system via abdominal entry. The device is used to ascertain fetal abnormalities, to obtain fetal blood samples, or to obtain fetal tissue. This generic type of device may include the following accessories: trocar and cannula, instruments used through an operating channel or through a separate cannula associated with the amnioscope, light source and cables, and component parts.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1116]

[FR Doc. 79–9420 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Colposcopes

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying colposcopes into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of colposcopes.

1. Identification: A colposcope is a device designed to permit direct viewing of the tissues of the vagina and cervix by a telescopic system located outside the vagina. It is used to diagnose abnormalities and select areas for biopsy. This generic type of device may include a light source, cables, and component parts. The Panel includes in this generic type of device those devices which were named "colposcope" and "colpomicroscope."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that colposcopes be classified into class II (performance standards) because the Panel believes that electrical safety standards are required to minimize the hazard of electrical shock. The Panel also believes that material standards are necessary to assure adequate strength of the support structure to prevent trauma to the patient through breakage. The Panel notes that, when this device is used with other devices (e.g., the gynecologic surgical laser) as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. Dr. Jordan Phillips, a Panel member, has had much experience with this device and has supplied literature on its history and use (Refs. 1 and 2).

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Trauma: Failure of the support structure of the device could result in a part of the device striking or injuring the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that colposcopes be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Benson, R. C., et al., "Current Obstetric and Gynecological Diagnosis and Treatment," Lange Publishers, Los Altos, Ca., p. 89, 1976.

2. Weese, W. H., "A Brief History of Colposcopy," *The Journal of Reproductive Medicine*, 16:209, May 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1630 as follows:

§ 884.1630 Colposcope.

(a) *Identification.* A colposcope is a device designed to permit direct viewing of the tissues of the vagina and cervix

by a telescopic system located outside the vagina. It is used to diagnose abnormalities and select areas for biopsy. This generic type of device may include a light source, cables, and component parts.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78–1117]

[FR Doc. 79–9421 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Culdoscopes and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying culdoscopes and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of culdoscopes and accessories:

1. Identification: A culdoscope is a device designed to permit direct viewing of the organs within the peritoneum by a telescopic system introduced into the pelvic cavity through the posterior vaginal fornix. It is used to perform diagnostic and surgical procedures on the female genital organs. This generic type of device may include: trocar and cannula, instruments used through an operating channel, scope preheaters, light source and cables and components parts.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that culdoscopes and accessories be classified into class II (performance standards) because the Panel believes that electrical safety standards are required to minimize the hazards of electrical shock, especially from high frequency leakage during electrocoagulation. The Panel recommends thermal insulation of the device assembly to prevent burns from unsafe heat dissipation. The Panel also believes that a material standard is necessary to assure an adequate surface finish to prevent trauma to the vaginal tissues. The Panel states that the device materials contacting the internal tissues should meet a biocompatibility standard to prevent adverse tissue reaction. The Panel recommends that the method of sterilization be stated in the device labeling, to prevent infection. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel also states that the use of the device is contraindicated during pregnancy. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device (Ref. 1). The Panel also reviewed medical literature stating that this device is safe and causes few complications, if contraindications are heeded and prescribed techniques are followed (Ref. 2).

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns when the device comes in contact with body tissues. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Electrical shock: Malfunction and improper insulation of the device could result in electrical shock to the patient. (d) Adverse tissue reaction: Material or substances in the device could result in a local tissue or systemic reaction when the device comes in contact with the patient. (e) Truama and perforation: Surface burrs on the device could result in trauma or perforation of the tissues.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that culdoscopes and accessories be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained additional data and information describing the application of culdoscopic technique in performing diagnostic and surgical procedures on the female reproductive organs. The Commissioner notes that culdoscopic technique is contraindicated in the presence of pelvic inflammatory disease, fixed cul-de-sac, pregnancy, obesity, endometriosis, abnormal growths, cardiorespiratory disease, or a previous hysterectomy (Refs. 2 through 5). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the Thirteenth Meeting of the Obstetrical and Gynecological Classification Panel, July 1976.

2. Glinter, K. P., and R. J. Nelson, "Gynecologic Endoscopy: Laparoscopy or Culdoscopy," *Journal of American Osteopathic Association*, 73:986, 1974.

3. Wortman, Judith, "Female Sterilization Using the Culdoscope," *Population Reports*, Series C (6):61–71, 1975.

4. Bank, A. H., "Culdoscopic Tubal Sterilization," *Fertility and Sterility*, 24(2):155–157, 1973.

5. Koetsawang, S., et al., "Comparison of Culdoscopic and Laparoscopic Tubal Sterilization," *American Journal of Obstetrics and Gynecology*, 124(6):601–606, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1640 as follows:

§ 884.1640 Culdoscope and accessories.

(a) *Identification.* A culdoscope is a device designed to permit direct viewing of the organs within the peritoneum by a telescopic system introduced into the pelvic cavity through the posterior vaginal fornix. It is used to perform diagnostic and surgical procedures on the female genital organs. This generic type of device may include trocar and cannula, instruments used through an operating channel, scope preheaters, light source and cables, and component parts.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1118]

[FR Doc. 79–9422 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03–M]

[21 CFR Part 884]

Classification of Transcervical Endoscopes (Amnioscopes) and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying transcervical endoscopes (amnioscopes) and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation with respect to the classification of transcervical endoscopes (aminoscopes) and accessories:

1. Identification: A transcervical endoscope is a device designed to permit direct viewing of the fetus and amniotic sac by means of an open tube introduced into the uterus through the cervix. The device may be used to visualize the fetus or amniotic fluid and to sample fetal blood or amniotic fluid. This generic type of device may include: obturators, instruments used through an operating channel, light sources and cables, and component parts. The Panel includes in this generic type of device those devices which were named "transcervical amnioscopes (and accessories)" and "fetal blood sampling endoscopes (and accessories)."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that the transcervical endoscope (amnioscope) and accessories be classified into class II (performance standards) because the Panel believes that electrical safety standards are required to minimize the hazards of electrical shock. The Panel also states that the light source must not cause burns by presenting hot surfaces to internal tissues. The device materials contacting the body should meet a biocompatibility standard to prevent adverse tissue reaction. The Panel also believes that material standards are necessary to assure adequate surface finish and appropriate strength to prevent trauma to the amniotic sac and fetus. Furthermore, the Panel recommends that the method of sterilization be stated in the device labeling, to prevent infection. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also states that fetal blood sampling is contraindicated in the presence of infection, Rh incompatibility, or a history of blood coagulation disorders. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the literature on the original work by Saling, whose extensive clinical experience in perinatal centers demonstrates the safety of the procedure and the reliability of the device (Ref. 1).

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns if the device heats the patient's tissue. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (d) Trauma and perforation: Trauma to mother and fetus could occur if the heparinized glass capilliary tube fractures during the blood sampling procedure. (e) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient or fetus. (f) Ruptured membranes: Sharp or irregular edges of the device could result in an unintended rupture of the amniotic sac.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that transcervical endoscopes (amnioscopes) and accessories be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because

general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following infomation has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Saling, E., "Amnioscopy," *Clinical Obstetrics and Gynecology*, 9:478–495, 1966.

Therefore, under the Federal Food, Drug, and Cosmetic Act [secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))] and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1660 as follows:

§ 884.1660 Transcervical endoscope (amnioscope) and accessories.

(a) *Identification.* A transcervical endoscope is a device designed to permit direct viewing of the fetus and amniotic sac by means of an open tube introduced into the uterus through the cervix. The device may be used to visualize the fetus or amniotic fluid and to sample fetal blood or amniotic fluid. This generic type of device may include obturators, instruments used through an operating channel, light sources and cables, and component parts.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1119]

[FR Doc. 79–9423 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Hysteroscopes and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying hysteroscopes and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of hysteroscopes and accessories:

1. Identification: A hysteroscope is a device used to permit direct viewing of the cervical canal and the uterine cavity by a telescopic system introduced into the uterus through the cervix. It is used to perform diagnostic and surgical procedures other than sterilization. This generic type of device may include obturators and sheaths, instruments used through an operating channel, scope preheaters, light sources and cables, and component parts.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that hysteroscopes and accessories be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure a fail-safe gas pressure tubing connection to the hysteroscopic insufflator to prevent inadvertent attachment to the laparoscopic insufflator, which could over-insufflate the uterus. The Panel believes that electrical safety standards are required to minimize the hazards of electrical shock, especially from high-frequency leakage during electrocoagulation. The Panel recommends thermal insulation of the device assembly to prevent burns from unsafe heat dissipation. The Panel believes that material standards are necessary to assure adequate surface finish and appropriate tensile strength to prevent cervical or uterine trauma. The Panel also states that device materials contracting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. When this device is used with other devices as a system, the combination must be compatible. The Panel recommends that the method of device sterilization be stated in the labeling to prevent infection. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also believes that the use of the hysteroscope is contraindicated in the presence of hemorrhage, pelvic inflamatory disease, or profuse bleeding. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device (Ref. 1). The Panel also reviewed the medical literature, which establishes that the device should be used only in diagnostic and surgical procedures. There are insufficient data to conclude that the device is effective for sterilization (Ref. 2).

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns when the device heats the patient's tissue. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (d) Trauma, hemorrhage, and perforation: The structure of the device could result in a part of the device injuring or puncturing the patient's body. (e) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (f) Uterine rupture: Excessive pressure could result in uterine rupture if the laparoscopic insufflator is used with this device.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that hysteroscopes and accessories be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device (Refs. 3 and 4). Additional information and data obtained by the Commissioner support the Panel's conclusion that there are insufficient data available to write a performance standard for the use of the hysteroscope in sterilization techniques (Refs. 5 and 6).

The Commissioner is aware that no U.S. manufacturers label sterilization as an intended use for hysteroscopes. At the present time, hysteroscopic procedure to perform sterilization is considered an investigational procedure.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the Thirteenth Meeting of the Obstetric and Gynecologic Device Classification Panel, 1976.

2. Siegler, A. M. and E. Kemmann, "Hysteroscopy," *Obstetrical and Gynecological Survey*, 30(9), 1975.

3. Sciarra, J. J. and R. F. Valle, "Hysteroscopy: A Clinical Experience with 320 Patients," *American Journal of Obstetrics and Gynecology*, 127(4):340–348, 1977.

4. Sugimoto, O., "Hysteroscopic Diagnosis of Endometrial Carcinoma" *American Journal of Obstetrics and Gynecology*, 121(1):105–113, 1975.

5. Richart, R. M., et al., "Female Sterilization by Electrocoagulation of Tubal Ostia Using Hysteroscopy," *American Journal of Obstetrics and Gynecology*, 117(6):801–804, 1973.

6. Valle, R. F. and J. J. Sciarra, "Hysteroscopy," *in* "Gynecology and Obstetrics," Vol. III, Ch. 19, Harper and Row Publishers, Inc., Hagerstown, MD, pp. 1–12, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1690 as follows:

§ 884.1690 Hysteroscope and accessories.

(a) *Identification.* A hysteroscope is a device used to permit direct viewing of the cervical canal and the uterine cavity by a telescopic system introduced into the uterus through the cervix. It is used to perform diagnostic and surgical procedures other than sterilization. This generic type of device may include obturators and sheaths, instruments used through an operating channel, scope preheaters, light sources and cables, and component parts.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1120]

[FR Doc. 79–9424 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Hysteroscopic Insufflators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying hysteroscopic insufflators into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issued a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of hysteroscopic insufflators:

1. Identification: A hysteroscopic insufflator is a device designed to distend the uterus by filling the uterine cavity with a liquid or gas to facilitate viewing with a hysteroscope. The Panel imcludes in this generic type of device those devices identified as "uterine insufflation cannula (and accessories)" and "hysteroscopic insufflator."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that hysteroscope insufflators be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure that the device design incorporates a fail-safe means (for example, a major source shutoff control with a reducing valve) to prevent the possibility of excessive pressure. The Panel states that the design of the gas pressure tubing connector must prevent the inadvertant attachment to laparoscopic equipment. The Panel also believes that measurement standards would assure the accuracy and resolution of controls and indictators for flow rate, pressure, and volume. These precautions are necessary to avoid hazards from overinsufflation of the uterus, including uterine rupture, embolus induction, tachycardia, cardiac arrhythmia, and cardiac arrest. The Panel also believes that the device materials contacting the body should

meet a biocompatibility standard to prevent adverse tissue reaction. Electrical safety standards are required in order to minimize the hazards of electrical shock. The Panel also recommends that the method of sterilization be stated in the device labeling to prevent infection. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over the above characteristics. The Panel noted that use of the device during pregnancy is contraindicated. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the literature on the device. The current literature on the device. The current literature recommends that the pressure of the device not exceed 200 millimeters of Hg (mercury) and that the flow-rate of the gas be maintained between 60 and 80 milliliters of gas per minute (Refs. 1 and 2). The laparoscopic insufflator can deliver at least 1 liter of gas per minute (Ref. 2). The laparoscopic insufflator can deliver at least 1 liter of gas per minute (Ref. 2); therefore, adequate safeguards must be employed to prevent the attachment of hysteroscopic insufflator tubing to the mechanism for the laparoscopic insufflator.

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Adverse tissue reaction: Material of the tubing could cause a systemic or local tissue reaction when contact is made with the patient's body. (d) Uterine rupture, cardiac abnormalities, and emboli induction: Excessive pressure of the device could result in uterine rupture, cardiac abnormalities, and emboli induction if the device does not have fail-safe measures to control the pressure.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that hysteroscopic insufflators be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Bartsich, E. G. and T. F. Dillon, "Carbon Dioxide Hysteroscopy," *American Journal of Obstetrics and Gynecology*, 124(7):746–750, April 1976.

2. Siegler, A. M. and E. Kemmann, "Hysteroscopy," *Obstetrical and Gynecological Survey, 30(9), 1975.*

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1700 as follows:

§ 884.1700 Hysteroscopic insufflator.

(a) *Identification.* A hysteroscopic insufflator is a device designed to distend the uterus by filling the uterine cavity with a liquid or gas to facilitate viewing with a hysterscope.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1121]

[FR Doc. 79–9425 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Gynecologic Laparoscopes and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying gynecologic aparoscopes and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstertrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of gynecologic laparoscopes and accessories:

1. Identification: A gynecologic laparoscope is a device used to permit direct viewing of the organs within the peritoneum by a telescopic system introduced through the abdominal wall. It is used to perform diagnostic and surgical procedures on the female genital organs. This generic type of device may include: trocar and cannula, instruments used through an operating channel, scope preheater, light source and cables, and component parts. The Panel includes in this generic type of device those devices identified as "ob-gyn laparoscope and accessories" and "endoscopic light source."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a perfomance standard for this device be high priority.

3. Summary of reasons for recommendation: The Panel recommends the gynecologic laparoscope and accessories be classified into class II (performance standards) because the Panel believes that electrical safety standards are required to minimize the hazards of electrical shock.

especially from high frequency leakage during electrocoagulation. The Panel recommends thermal insulation of the device assembly to prevent burns from unsafe heat dissipation. The device materials contacting the internal tissues should meet a biocompatibility standard to prevent and adverse tissue reaction. The Panel believes that material standards are necessary to assure an adequate surface finish and appropriate tensile strength to prevent trauma to the patient. The Panel recommends that the method of sterilization be stated in the device labeling, especially the use of a biocompatible soluion to sterilize the gas pressure tubing. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also states that the use of the device is contraindicated for cardiac or pulmonary patients, in the presence of diaphragmatic hernia, bowel obstruction, or abdominal mass, and during the second or third trimester of pregnancy. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. Over 300,000 cases of laparoscopic use, in which a very low incidence of danger was noted, have been compiled by the American Association of Gynecologic Laparoscopists (AAGL) (Refs. 1 and 2). The Panel considered separately the endoscopic light source, and noted the reported danger of electrical shock and burn associated with its use (Ref. 3).

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns when the device comes in contact with the patient. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Electrical shock: Malfunction of the device could result in electrical shock to the patient or to the operator. (d) Trauma and perforation: Surface roughness of the device could result in a part of the device injuring the patient. (e) Adverse tissue reaction: Material in the device could result in a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that gynecologic laparoscopes and accessories be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation concerning the laparoscope and accessories and has obtained additional data and information describing the application of the gynecologic laparoscope. The laparoscopic procedure is safe with few complications if contraindications are needed and prescribed techniques are followed (Refs. 4 and 5). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Phillips, J. M., et al., "Gynecologic Laparoscopy in 1975," *Journal of Reproductive Medicine*, 16:105–117, 1976.

2. Phillips, J. M., et al., "The Impact of Laparoscopy, Hysteroscopy, Fetoscopy and Culdoscopy on Gynecologic Practice," *Journal of Reproductive Medicine*, 16:187–190, 1976.

3. Neufeld, G. R., et al., "Electrical Burns During Laparoscopy," *Journal of the American Medical Association*, 226:1465, 1973.

4. Glinter, K. P. and R. J. Nelson, "Gynecologic Endoscopy: Laparoscopy or Culdoscopy?" *Journal of the American Osteopathic Association*, 73:986–994, 1974.

5. Reingold, L. A., "Guide to Equipment Selection for M/F Sterilization Procedures," *Population Reports*, Special Topics Monongraphs No. 1, Sept. 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1720 as follows:

§ 884.1720 Gynecologic laparoscope and accessories.

(a) *Identification.* A gynecologic laparoscope is a device used to permit direct viewing of the organs within the peritoneum by a telescopic system introduced through the abdominal wall. It is used to perform diagnostic and surgical procedures on the female genital organs. This generic type of device may include: trocar and cannula, instruments used through an operating channel, scope preheater, light source and cables, and components parts.

(b) *Classification.* Class II (performance standards).Q02

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

WILLIAM F. RANDOLPH,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1122]

FR Doc. 79–9426 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Laparoscopic Insufflators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying laparoscopic insufflators into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulations. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of laparoscopic insufflators:

1. Identification: a laparoscopic insufflator is a device used to facilitate the use of the laparoscope by filling the peritoneal cavity with gas to distend it.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that laparoscopic insufflator be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure that the laparoscopic insufflator incorporates a fail-safe means (e.g., a major source shut-off control with a reducing valve) to prevent the possibility of excessive pressure. The Panel states that the design of the gas pressure tubing connector must prevent the inadvertent attachment to hysteroscopic equipment. The Panel also recommends that the labeling of the device state that it is for laparoscopic use only. The Panel also believes measurement standards would assure the accuracy and resolution of controls and indicators for flow rate, pressure, and volume. These precautions are necessary to avoid the hazards of damage to internal organs including induction of gas emboli in the blood, cardiac arrest, cardiac arrhythmia, and tachycardia. The Panel also believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction: this includes a biocompatible solution for sterilization of the gas pressure tubing. Electrical safety standards are required to minimize the hazards of electrical shock. The Panel also recommends that, to prevent infection, the method of sterilization be stated in the device labeling. The Panel notes that when this advice is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel noted that in a 1974 survey 90 percent of the respondents used carbon dioxide as an insufflating medium (Ref. 1). Dr. Jordan Phillips, a Panel member, provided detailed information concerning the risks and means of control of this device (Ref. 1). Dr. Phillips surveyed the choice of type, quantity, and gas pressure used in over 8,000 laparoscopic procedures performed by 886 laparoscopists (Ref. 2).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Uterine rupture, cardiac abnormalities, and embolus induction:

Excessive pressure from the device could result in uterine rupture, cardiac abnormalities, and embolus induction if the device does not include fail-safe measures to control the pressure.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that laparoscopic insufflators be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation concerning the laparoscopic insufflators and has obtained additional data and information supporting the Panel recommendation concerning the need for a fail-safe mechanism to prevent excessive pressure that may damage internal organs (Ref. 3). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the Thirteenth Meeting of the Obstetric and Gynecologic Classification Panel, July 1976.

2. Phillips, J. M., et al., "Survey of Gynecologic Laparoscopy for 1974," *Journal of Reproductive Medicine*, 15(2):45–50, 1975.

3. Reingold, L. A., "Guide to Equipment Selection for M/F Sterilization Procedures," Population Reports, Special Topics Monographs, No. 1, Sept. 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart B by adding new § 884.1730 as follows:

§ 884.1730 Laparoscopic insufflator.

(a) *Identification.* A laparoscopic insufflator is a device used to facilitate the use of the laparoscope by filling the peritoneal cavity with gas to distend it.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1123]

[FR Doc. 79–9427 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Obstetric Data Analyzers

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric data analyzers into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–

65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of obstetric data analyzers:

1. Identification: An obstetric data analyzer is a device used to interpret fetal status during labor and to warn of possible fetal distress by analyzing electronic signal data obtained from fetal or maternal electronic or other monitors. This generic type of device includes signal analysis and display equipment, electronic interfaces for other equipment, and power supplies and component parts. The Panel previously considered this generic type of device under the name "fetal status data analyzer."

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that the obstetric data analyzer be classified into class III because satisfactory performance of the device has never been demonstrated. The Panel believes that it is not possible to establish an adequate performance standard for this device. Although electrical standards would be sufficient to control the electrical shock hazard, the device design presents an inherent risk of misdiagnosis of fetal status. Because the information provided can have a substantial impact on the health care of the patient and her fetus, the device's design must guarantee that the signals generated accurately reflect physiological conditions and that the device comes to the correct conclusion. The device may be used as a substitute for human judgment on a critical matter, and it therefore must not err. For example, on the basis of erroneous data from the device, the physician may order an unnecessary caesarean section. Accordingly, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the lack of safety and effectiveness data for this relatively unproven device.

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Misdiagnosis: Inadequate design or calibration of the device could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment which places the fetus and patient at risk unnecessarily.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric data analyzers be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has obtained additional information and data describing the application of automatic analysis techniques to the determination of possible fetal distress. The technique is new, and very little definitive information is available. It is reasonable to expect that as algorithms are developed and tested, confidence in automatic analysis will increase (Ref. 1). The Commissioner has described this generic type of device to exclude patient monitors, imagers, and display devices which can not perform an interpretative function but which have an alarm that sounds when a preset threshold value is crossed.

The Commissioner believes that the device is purported or represented to be for a use (diagnosis of fetal distress) that is of substantial importance in preventing impairment of human health. The Commissioner believes the device presents a potential unreasonable risk of illness or injury because the physician may decide, based on information from the obstetric data analyzer, to take a course of action which could put the fetus or mother in unreasonable jeopardy. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Sureau, C., "The Clinical Use of Computers in Fetal Heart Rate Monitoring," *in* "Perinatal Medicine," 4th European Congress of Perinatal Medicine, Prague, August 1974, Edited by Stembera, Z. K., K. Polacek, and V. Sabata; G. Thieme, Stuttgart; Avicenum, Prague, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 by adding new Subpart C and new § 884.2050 as follows:

Subpart C—Obstetrical and Gynecological Monitoring Devices

§ 884.2050 Obstetric data analyzer.

(a) *Identification.* An obstetric data analyzer is a device designed to interpret fetal status during labor and to warn of possible fetal distress by analyzing electronic signal data obtained from fetal or maternal electronic or other monitors. This generic type of device includes signal analysis and display equipment, electronic interfaces for other equipment, and power supplies and component parts.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1977, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1124]

[FR Doc. 79–9428 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M]

[21 CFR Part 884]

Classification of Obstetric-Gynecologic Ultrasonic Imagers

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric-gynecologic ultrasonic imagers into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The

effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of obstetric-gynecologic ultrasonic imagers:

1. Identification: An obstetric-gynecologic ultrasonic imager is a device designed to transmit and receive ultrasonic energy into and from a female patient by pulsed echoscopy. This device is used to provide a visual representation of some physiological or artificial structure, or of a fetus, for diagnostic purposes during a limited period of time. This generic type of device may include signal analysis and display equipment, electronic interfaces for other equipment, patient and equipment supports, coupling gel, and component parts. This generic type of device does not include devices used to monitor the changes in some physiological condition over long periods of time. The Panel includes in this generic type of device those devices identified as "ultrasonic fetal imager," "acoustical fetal holograph," "ultrasonic fetal head diameter measuring instrument," and "ultrasonic contraceptive intrauterine device locator."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that obstetric-gynecologic ultrasonic imagers be classified into class II (performance standards) because the Panel believes that standards are necessary to assure that the emitted ultrasonic energy does not reach levels of radiation unsafe to the patient or fetus. Ultrasonic imagers are sometimes used to measure fetal dimensions when determining its gestational age, and the Panel believes that the image produced must meet certain measurement requirements to prevent misdiagnosis. The Panel also believes that electrical safety standards are required to minimize the hazards of electrical shock. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that the accuracy, reproducibility, and limitations of the device's measurements be stated in the labeling. The Panel initially recommended that the device be classified into class II (premarket approval) because long-term effects of diagnostic ultrasound are not known. The Panel changed its recommendation for diagnostic ultrasonic devices, from class III to class II after considering the benefits and risks from the use of these devices, and the available data. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on an extensive review of the data presented to the Panel and to the Biologic Effects of Ultrasound Subcommittee (BEUS) (Ref. 1). The extensive experience of some Panel members reveals no observable damage to mammalian tissue occurring when the transducer power output is below 100 milliwatts per square centimeter (spatial peak, temporal average) of ultrasonic energy with a time exposure normal for diagnostic purposes. This conclusion has been published in a statement of the American Institute of Ultrasound in Medicine (Ref. 2). To the Panel's knowledge, no currently marketed device exceeds that power limit.

Furthermore, a followup of children exposed to diagnostic doses in the womb shows no evidence of deleterious effects (Ref. 1). The Panel does recommend, however, that fetal exposure (duration, area, and output intensity) be minimized (consistent with obtaining necessary clinical information) because optimum power levels, maximum exposure times, and long-term effects upon the fetus from routine clinical use are unknown at this time. A technical committee chairman from the National Electrical Manufacturers Association (NEMA) presented a proposal for diagnostic ultrasonic equipment parameters to the BEUS (Ref. 3). The Panel recommends that the NEMA maximum allowable values of ultrasonic energy and parameters suggested for the labeling of ultrasonic devices be used as an interim guideline for developing a performance standard for obstetric and abdominal diagnostic ultrasonic devices.

5. Risks to health: (a) Tissue damage: The device's ultrasonic energy may produce tissue damage if the energy output is not controlled. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Misdiagnosis: Inadequate design or calibration of the device could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric-gynecologic imagers be classified into class II (performance standards). Stratmeyer's review (Ref. 4) of the possible biological effects of ultrasound includes references to investigations showing that exposures to ultrasonic energy similar to those used in obstetric-gynecologic imagers may cause biological effects in laboratory animals. Although those investigations are cause for concern, the Commissioner regards them as inconclusive at this time. The studies have yet to be verified, and some investigators question the methods or findings of these investigations or their applicability to humans.

The Biological Effects of Ultrasound Subcommittee of FDA's Obstetrical and Gynecological Device Classification Panel has reviewed the possible adverse effects of diagnostic ultrasound devices. (The Subcommittee was established because of FDA's special concerns about the obstetrical use of ultrasound, based upon several studies involving laboratory animals that showed various biological effects from prenatal ultrasound exposures (Ref. 4).) The Subcommittee concluded that there is sufficient information available to establish a standard for diagnostic ultrasound devices generally (Refs. 5, 6, and 7).

In the Federal Register of February 13, 1979 (44 FR 9542), FDA published a notice of intent in the Federal Register announcing that it is considering an action program to reduce exposure to diagnostic ultrasound as much as practicable, consistent with the need for essential diagnostic information. One action the agency is considering is promulgation of a performance standard under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 42 U.S.C. 2636 et seq.).

The agency believes that a performance standard under the Radiation Control for Health and Safety Act may be necessary for obstetric-gynecologic imagers because general controls by themselves may be

insufficient to control the risks to health. The agency also believes that there is sufficient information to establish a standard that will provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Nyborg, W. L., "Minimum Thresholds for Bio-Effects of Ultrasound," Unpublished paper, Attachment E to Summary Minutes of the Biologic Effects of Ultrasound Subcommittee, Panel on Review of Obstetrical-Gynecological Devices, January 1976.

2. Bio-Effects Committee, "AIUM Committee Report," *Reflections*, 3(1):18, 1977.

3. Buxbaum, C., "Diagnostic Ultrasonic Equipment Parameters: Recommendations of the Technical Committee * * * October 22, 1976," Unpublished paper, Attachment E to Obstetrical and Gynecological Device Panel Classification Report, November 1977.

4. Stratmeyer, M. E., "Research Directions in Ultrasound Bioeffects—A Public Health View," Symposium on Biological Effects and Characterizations of Ultrasound Sources, June 2 and 3, 1977, pp. 240–245. HEW Publication (FDA) 78–8048.

5. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB–GYN Device Classification Panel (First Meeting), Jan. 22–23, 1976.

6. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB–GYN Device Classification Panel (Second Meeting), Oct. 28, 1976.

7. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB–GYN Device Classification Panel (Third Meeting), Oct. 4, 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2225 as follows:

§ 884.2225 Obstetric-gynecologic ultrasonic imager.

(a) *Identification.* An obstetric-gynecologic ultrasonic imager is a device designed to transmit and receive ultrasonic energy into and from a female patient by pulsed echoscopy. This device is used to provide a visual representation of some physiological or artificial structure, or of a fetus, for diagnostic purposes during a limited period of time. This generic type of device may include the following: Signal analysis and display equipment, electronic interfaces for other epuipment, patient and equipment supports, coupling gel, and component parts. This generic type of device does not include devices used to monitor the changes in some physiological condition over long periods of time.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office beteen the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1125]

[FR Doc. 79–9429 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Fetal Cardiac Monitors

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal cardiac monitors into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Coments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation with respect to the classification of fetal cardiac monitors:

1. Identification: A fetal cardiac monitor is a device designed to separate fetal heart signals from maternal heart signals by analyzing electrocardiographic signals (electrical potentials generated during contraction and relaxation of heart muscle) obtained from the maternal abdomen with external electrodes or from another monitor. The device is used to ascertain fetal heart activity during pregnancy and labor. This generic type of device may include an alarm that signals when the heart rate crosses a preset threshold. The Panel includes in this generic type of device those devices identified as "fetal cardiotachometer (with sensors)" and "fetal electrocardiographic monitor."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that fetal cardiac monitors be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure that the device effectively indicates the fetal heart rate. The Panel believes that fetal cardiac monitors must meet certain measurement requirements to assure that they produce an accurate heart rate corresponding to the actual physiological condition. Also, electrical safety standards are necessary to minimize the hazards of electrical shock. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that the accuracy, reproducibility, and limitations of the device be stated in the labeling. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge

of, and extensive experience with, the device (Ref. 1).

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Misdiagnosis: Inadequate design of the device can lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal cardiac monitors be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

FDA's general concerns about fetal monitoring apply to fetal cardiac monitors. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the **Federal Register.**

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the First Meeting of the Fetal Monitoring Devices Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

Therefore under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2600 as follows:

§ 884.2600 Fetal cardiac monitor.

(a) *Identification.* A fetal cardiac monitor is a device designed to separate fetal heart signals from maternal heart signals by analyzing electrocardiographic signals (electrical potentials generated during contraction and relaxation of heart muscle) obtained from the maternal abdomen through electrodes or through another monitor. The device is used to ascertain fetal heart activity during pregnancy and labor. This generic type of device may include an alarm that signals when the heart rate crosses a preset threshold.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1126]

[FR Doc. 79–9430 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Fetal Electroencephalographic Monitors

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal electroencephalographic monitors into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of fetal electroencephalographic monitors:

1. Identification: A fetal electroencephalographic monitor is a device used to detect, measure, and record in graphic form (by means of one or more electrodes placed transcervically on the fetal scalp during labor) the rhythmically varying electrical skin potentials produced by the fetal brain. The Panel previously considered this generic type of device under the name "fetal electroencephalograph (and accessories)."

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that electroencephalographic monitors be classified into class III (premarket approval) because the Panel believes that satisfactory performance has never been demonstrated. The Panel believes that certain characteristics of this device could be controlled by performance standards. Electrical safety standards could minimize the hazards of electrical shock. Proper sterilization procedures can prevent infection. Measurement standards can assure accurate indications of the physiologic signals. The device materials contacting the fetus and mother should meet a biocompatibility standard to prevent adverse tissue reaction. The Panel believes, however, that performance standards alone will not provide reasonable assurance of the safety and effectiveness of the device. Fetal electroencephalography is a relatively new fetal monitoring technique, and there is not sufficient information to establish a standard to provide the needed assurance of proper performance. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device to assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the fact that fetal electroencephalographic monitoring is a relatively new method of brain function

evaluation during birth. Its sensitivity and applicability in the field of the fetal brain research remains to be established because clinical experience is too limited to ascertain its safe and effective use. Rosen and Peltzman, who are performing the major research on this device, are continuing with further controlled studies (Refs. 1 and 2).

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Misdiagnosis: Inadequate design of the device can lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the fetus and patient at risk unnecessarily. (c) Adverse tissue reaction: Material in the device could result in a systemic or local tissue reaction when the device comes in contact with the patient. (d) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that the fetal electroencephalographic monitor be classified into class III (premarket approval). The Commissioner believes that the device is purported to represented to be a use (diagnosis of fetal brain dysfunction) that is of substantial importance in preventing impairment of human health. The Commissioner has reviewed additional data on fetal electroencephalography (FEEG). FEEG is considered a new technique used to evaluate perinatal status. Criteria for diagnosis are still in the developing stages (Ref. 3). The Commissioner believes that the device presents a potential unreasonable risk of injury or illness to the patient if practitioners rely upon the information derived from the device to diagnose conditions which correspond to fetal distress. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

FDA's general concerns about fetal monitoring apply to fetal encephalographic monitors. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the Federal Register.

References

The following information has been placed in the office of the Hearing Clerk (address above), and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Peltzman, P., P. J. Goldstein, and R. Battagin, "Optical Analysis of the Fetal electroencephalogram," *American Journal of Obstetrics and Gynecology*, 116(7): 957–962, 1973.

2. Rosen, M. G., J. J. Scibetta, and C. J. Hochberg, "Fetal Electroencephalograph: IV. The FEEG During Spontaneous and Forceps Births," *(Obstestrics and Gynecology*, 42(2): 283–289, 1973.

3. "Borgstedt, A. D., et al., "Fetal Electroencephalography," *American Journal of Diseased Children*, 129:35–38, January 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2620 as follows:

§ 884.2620 Fetal electroencephalographic monitor.

(a) *Identification.* A fetal electroencephalographic monitor is a device used to detect, measure, and record in graphic form (by means of one of more electrodes placed transcervically on the fetal scalp during labor) the rhythmically varying electrical skin potentials produced by the fetal brain.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for the Regulatory Affairs.

[Docket No. 78N–1127]

[FR Doc. 79–9431 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Fetal Phonocardiographic Monitors and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal phonocardiographic monitors and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classificational Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTRACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of fetal phonocardiographic monitors and accessories:

1. Identification: A fetal phonocardiographic monitor is a device designed to detect, measure, and record fetal heart sounds electronically, in graphic form, and noninvasively, to ascertain fetal condition during labor. This generic type of device includes the following accessories: signal analysis and display equipment, patient and equipment supports, and other component parts. The Panel previously considered this generic type of device under the name "fetal phonocardiograph monitor."

2. Recommended classification: Class II (performance standards). The Panel

recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that fetal phonocardiographic monitors and accessories be classified into class II (performance standards) because electrical safety standards are required to minimize the hazards of electrical shock. The Panel believes that design standards are necessary to assure that this device can differentiate fetal heart sounds from other physiologic sounds (i.e., maternal respiration or maternal heart sounds). Measurement standards are required to assure an accurate indication of fetal heart rate. When this device is used with other devices, the combination must be compatible. The Panel believes that general controls alone will not provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a performance standard to provide such assurance.

4. Summary of data on which the recommendation is based: The panel based its recommendation on experience with, and personal knowledge of, the device (Ref. 1). This device has been safely used for several years in more than 5 million cases in hospitals and perinatal centers. The Panel reviewed the literature on the device, citing an article which shows the commonplace use of the phonocardiographic monitor as an initial noninvasive method of fetal monitoring (Ref. 2).

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Misdiagnosis: Inadequate design of the device can lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal phonocardiographic monitors and accessories be classified into class II (performance standards). The Commissioner notes that this device, when properly used, is not emitting energy into the patient, but rather receives and transduces physiologic signals from the body of the patient. The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

FDA's general concerns about fetal monitoring apply to fetal phonocardiographic monitors. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the **Federal Register.**

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the First Meeting of the Fetal Monitoring Devices Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

2. Gabert, H. A. and M. A. Stenchever, "Continuous Electronic Monitoring of Fetal Heart During Labor," *American Journal of Obstetrics and Gynecology* 115:7, 1973.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2640 as follows:

§ 884.2640 Fetal phonocardiographic monitor.

(a) *Identification.* A fetal phonocardiographic monitor is a device designed to detect, measure, and record fetal heart sounds electronically, in graphic form, and noninvasively, to ascertain fetal condition during labor. This generic type of device includes the following accessories: signal analysis and display equipment, patient and equipment supports, and other component parts.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-9432 Filed 4-2-79; 8:45 am]
BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Fetal Ultrasonic Monitors and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal ultrasonic monitors and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one of more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of fetal ultrasonic monitors and accessories:

1. Identification: A fetal ultrasonic monitor is a device designed to transmit and receive ultrasonic energy into and from the pregnant woman, usually by means of continuous wave (doppler) echoscopy. The device is used to represent some physiological condition or characteristic as a measured value, over a period of time (e.g., perinatal monitoring during labor) or in an immediately perceptible form (e.g., use of the ultrasonic

stethoscope). This generic type of device includes the following accessories: signal analysis and display equipment, electronic interfaces for other equipment, patient and equipment supports, and component parts. The generic type of device does not include devices (imagers) used to monitor some relatively unchanging physiological structure or interpret a physiological condition, but does include devices which may be set to alarm automatically at a predetermined threshhold value. The Panel includes in this generic type of device those devices identified as "ultrasonic fetal arterial pressure monitor," "ultrasonic blood flow monitor," "ultrasonic fetal heart rate monitor," "ultrasonic fetal heart sound monitor (ultrasonic stethoscope)," "ultrasonic fetal heart valve movement monitor," and "ultrasonic hemic sound monitor."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that fetal ultrasonic monitors and accessories be classified into class II (performance standards) because the Panel believes that standards are necessary to assure that the emitted ultrasonic energy does not reach radiation levels unsafe to the patient or fetus. The Panel believes that the fetal ultrasonic monitor must meet certain measurement requirements to assure that it produces signals corresponding to the physiological condition. Also, electrical safety standards are necessary to minimize the hazards of electrical shock. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that the accuracy, reproducibility, and limitations of the device's measurements be stated in the labeling. The Panel initially recommended that the device be classified into class III (premarket approval) because long-term effects of diagnostic ultrasound are not known. The Panel changed its recommendations for diagnostic ultrasonic devices from class III to class II after considering the benefits and risks from the use of these devices, and the available data. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on an extensive review of the data on this device presented to the Panel and to the Biologic Effects of Ultrasound Subcommittee (BEUS) (Ref. 1). These data, in conjunction with the extensive experience of some Panel members, reveal no observable damage to tissue occurring when the transducer power output is below 100 milliwatts per square centimeter (spatial peak, temporal average) of ultrasonic energy with a time exposure normal for diagnostic purposes. This conclusion has been published in a statement of the American Institute of Ultrasound in Medicine (Ref. 2). To the Panel's knowledge, no currently marketed device exceeds that power limit. Furthermore, a followup of children exposed to diagnostic doses in the womb shows no evidence of deleterious effects (Ref. 1). However, the Panel does recommend that fetal exposure (duration, area, and output intensity) be minimized (consistent with obtaining necessary clinical information) because optimum power levels, maximum exposure times, and long-term effects upon the fetus from routine clinical use are unknown at this time. A technical committee chairman from the National Electrical Manufacturers Association (NEMA) presented a proposal for diagnostic ultrasonic equipment parameters to the BEUS (Ref. 3). The Panel recommends that the NEMA maximum allowable values of ultrasonic energy and parameters suggested for the labeling of ultrasonic devices be used as an interim guideline for developing a performance standard for obstetric and abdominal diagnostic ultrasonic devices.

5. Risks to health: (a) Tissue damage: the device's ultrasonic energy may produce tissue damage if the energy output is not controlled. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Misdiagnosis: Inadequate design or calibration could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient and fetus at risk unnecessarily.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal ultrasonic monitors and accessories be classified into class II (performance standards). Stratmeyer's review (Ref. 4) of the possible biological effects of ultrasound includes references to investigations showing that exposures of ultrasonic energy similar to those used in fetal ultrasonic monitors may cause biological effects in laboratory animals. Although those investigations are cause for concern, the Commissioner regards them as inconclusive at this time. The studies have yet to be verified, and some investigators question the methods or findings of these investigations or their applicability to humans.

The Biological Effects of Ultrasound Subcommittee of FDA's Obstetrical and Gynecological Device Classification Panel has reviewed the possible adverse effects of diagnostic ultrasound devices. (The Subcommittee was established because of FDA's special concerns about the obstetrical use of ultrasound, based upon several studies involving laboratory animals that showed various biological effects from prenatal ultrasound exposures (Ref. 4).) The Subcommittee concluded that there is sufficient information available to establish a standard for diagnostic ultrasound devices generally (Refs. 5, 6, and 7).

In the **Federal Register** of February 13, 1979 (44 FR 9542), FDA published a notice of intent in the **Federal Register** announcing that is is considering an action program to reduce exposure to diagnostic ultrasound as much as practicable, consistent with the need for essential diagnostic information. One action the agency is considering is promulgation of a performance standard under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 42 U.S.C. 2636 et seq.).

The agency believes that a performance standard under the Radiation Control for Health and Safety Act may be necessary for fetal ultrasonic monitors and accessories because general controls by themselves may be insufficient to control the risks to health. The agency also believes that there is sufficient information to establish a standard that will provide reasonable assurance of the safety and effectiveness of the device.

FDA's general concerns about fetal monitoring apply to fetal ultrasonic monitors and accessories. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the **Federal Register.**

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Nyborg, W. L., "Minimum Thresholds for Bio-Effects of Ultrasound," unpublished paper, Attachment E to Summary Minutes of the First Meeting of the Biologic Effects of Ultrasound Subcommittee, Panel on Review of Obstetrical-Gynecological Devices, January 1976.

2. Bio-Effects Committee, "AIUM Committee Report," *Reflections*, 3(1):18, 1977.

3. Buxbaum, C., "Diagnostic Ultrasonic Equipment Parameters: Recommendation of the Technical Committee * * * October 22, 1976," unpublished paper, Attachment E to Obstetrical and Gynecological Device Panel Classification Report, November 1977.

4. Stratmeyer, M. E., "Research Directions in Ultrasound Bioeffects—A Public Health View," Symposium on Biological Effects and Characterizations of Ultrasound Sources, June 2 and 3, 1977, pp. 240–245, HEW Publications (FDA) 78–8048.

5. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB–GYN Device Classification Panel (First Meeting), Jan. 22–23, 1976.

6. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB–GYN Device Classification Panel (Second Meeting), Oct. 28, 1976.

7. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB–GYN Device Classification Panel (Third Meeting), Oct. 4, 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2660 as follows:

§ 884.2660 Fetal ultrasonic monitor and accessories.

(a) *Identification.* A fetal untrasonic monitor is a device designed to transmit and receive ultrasonic energy into and from the pregnant woman, usually by means of continuous wave (doppler) echoscopy. The device is used to represent some physiological condition or characteristic in a measured value over a period of time (e.g., perinatal monitoring during labor) or in an immediately perceptible form (e.g., use of the ultrasonic stethoscope). This generic type of device includes the following accessories: signal analysis and display equipment, electronic interfaces for other equipment, patient and equipment supports, and component parts. This generic type of device does not inlcude devices used to image some relatively unchanging physiological structure or interpret a physiological condition, but does include devices which may be set to alarm automatically at a predetermined threshold value.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1129]

[FR Doc. 79–9433 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Fetal Scalp Circular (Spiral) Electrodes and Applicators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal scalp circular (spiral) electrodes and applicators into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of fetal scalp circular (spiral) electrodes and applicators:

1. Identification: A fetal scalp circular (spiral) electrodes and applicator is an obstetrical device used to obtain a fetal electrocardiogram during labor and delivery. It establishes electrical contact between fetal skin and an external monitoring device by a shallow subcutaneous puncture of fetal scalp tissue with a curved needle or needles. This device includes nonreusable spiral electrodes and reusable circular electrodes. The Panel included in this generic type of device those devices identified as "nonreusable fetal scalp spiral electrode" and "fetal scalp electrode applicator."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that fetal scalp circular (spiral) electrodes and applicators be classified into class II (performance standards) because the Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that design standards are necessary to permit only limited penetration of the electrode in order to present tissue damage to the fetal brain. The design should also permit optimal attachment and removal of electrode to minimize trauma to the fetal scalp or other presenting part. The Panel recommends that the method of sterilization be stated in the labeling to prevent infection and that disposable nonreusable electrodes should be properly labeled, "one time use only." The introducer must maintain the sterility of the electrode during introduction and attachment to prevent infection of the fetal scalp. The Panel believes that material standards are necessary to prevent electrode stretching (particularly spiral electrodes) and electrode degradation. The Panel notes that when this device is used with other devices, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its classification recommendation on personal knowledge of, and experience with, the device. Information presented to the Panel indicates that spiral disposable fetal scalp electrodes are the generally accepted modality for direct fetal monitoring (Ref. 1). The Panel also reviewed the literature on the device, citing a representative article, which suggests that the most common complications of use of the fetal scalp electrode are scalp abscess and neonatal sepsis (bacteria in the bloodstream of the newborn) (Ref. 2). The Panel, however, stated that extensive clinical experience (over one million used) in many perinatal centers demonstration its overall safety and effectiveness.

5. Risks to health: (a) Adverse tissue reaction: Material in the device could degrade, or otherwise react, to cause a systemic or local tissue reaction when the device comes in contact with the patient. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Trauma and hemmorrhage: Poor design or incorrect application could cause trauma to the fetal scalp or brain.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal scalp circular (spiral) electrodes (and applicators) be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. In addition to the data presented by the Panel, the Commissioner notes that there is a 0.4 percent incidence of trauma associated with the spiral electrode (Ref. 3), and clinical use of the circular (spiral) electrode has been rapidly learned and accepted (Ref. 5). It has proved reliable and simplifies direct fetal heart rate monitoring (Refs. 3 and 4). A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

FDA's general concerns about fetal monitoring apply to fetal scalp circular (spiral) electrodes and applicators. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the **Federal Register.**

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the First Meeting of the Fetal Monitoring Device Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

2. Atlas, M. and D. M. Serr, "Hazards of Fetal Scalp Electrodes," *Lancet*, 1:648, March 1976.

3. Plavidal, F. J. and A. Werch, "Fetal Scalp Abscess Seconday to Intrauterine Monitoring," *American Journal of Obstetrics and Gynecology*, 125:65–70, May, 1976.

4. Paul, R. H. and E. H. Hon, "Clinical Fetal Monitoring: IV, Experience with a Spiral Electrode," *Obstetrics and Gynecology*, 41:777–780, 1973.

5. Ghosh, A. K. and R. H. Lipton, "Fetal Scalp Electrodes," *Lancet* 1:1075, May 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2675 as follows:

§ 884.2675 Fetal scalp circular (spiral) electrode and applicator.

(a) *Identification.* A fetal scalp circular (spiral) electrode and applicator is an obstetrical device used to obtain a fetal electrocardiogram during labor and delivery. It establishes electrical contact between fetal skin and an external monitoring device by a shallow subcutaneous puncture of fetal scalp tissue with a curved needle or needles. This generic type of device includes nonreusable spiral electrodes and reusable circular electrodes.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1130]

[FR Doc. 79–9434 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Fetal Scalp Clip Electrodes and Applicators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal scalp clip electrodes and applicators into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of fetal scalp clip electrodes and applicators:

1. Identification: A fetal scalp clip electrode and applicator is a device designed to establish electrical contact between fetal skin and an external monitoring device by means of pinching skin tissue with a nonreusable clip. This device is used to obtain a fetal electrocardiogram. This generic type of device may include a clip electrode applicator. The Panel previously considered this generic type of device under the name "nonreusable fetal scalp clip electrode."

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that fetal scalp clip electrodes and applicators be classified into class III (premarket approval). Because the device is designed to crush the fetal tissue, thus increasing the potential for difficult removal, fetal scalp abscess, and pressure necrosis, the clip electrode presents an unreasonable risk to health. The Panel believes that certain characteristics of the fetal scalp clip electrode could be controlled by performance standards. The device materials contacting fetal or maternal tissue should meet a biocompatibility standard to prevent an adverse tissue reaction. Proper sterilization procedures can prevent infection. When this device is used with other devices, the combination must be compatible. The Panel, however, believes that performance standards alone will not provide reasonable assurance of the safety and effectiveness of this device. The Panel is primarily concerned about the clip and applicator design. The Panel believes that only clinical investigations can demonstrate

that the pressure design of the clip will prevent harmful tissue damage when the clip electrode is applied or removed. The Panel also recommends that disposable, nonreusable clip electrodes be properly labeled as "one time use only." Because the Panel believes that a performance standard cannot provide the necessary assurance of safety and effectiveness, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. Information presented to the Panel indicated a 1 to 2 percent infection rate for newborns on whom fetal scalp clip electrodes were used (Ref. 1). The Panel noted that this device is in limited use in the United States because the circular (spiral) electrode, preferred because it is easier to apply and remove, is available.

5. Risks to health: (a) Adverse tissue reaction: Material in the device could cause a local tissue or systemic reaction when the device comes in contact with the fetus. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Tissue damage: Poor design or incorrect application could result in scalp injury when the device pinches the fetal scalp.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal scalp clip electrodes and applicators be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has obtained additional information and data describing the application of fetal scalp clip electrodes and applicators to the fetal scalp (Refs. 2, 3, and 4). The literature cites the risk of subsequent infection of the fetus to be 0.34 percent to 0.44 percent of all newborns following fetal scalp clip electrode application. However, the incidence may be considerably higher when fetal monitoring is only occasionally used by inexperienced physicians (Ref. 1). Furthermore, the rarity of such abscesses in full-term newborns who have not been monitored in utero substantiates the Panel's belief that use of this device is associated with an increase in this type of medical complication in newborns.

The Commissioner believes that the device is purported or represented to be for a use (diagnosis of fetal distress) that is of substantial importance in preventing impairment of human health. The Commissioner also believes that the device presents a potential unreasonable risk of illness or injury to the fetus and patient because of the absence of data adequate to assure the safe and effective use of this device. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

FDA's general concerns about fetal monitoring apply to fetal scalp clip electrodes and applicators. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the **Federal Register.**

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the First Meeting of the Fetal Monitoring Devices Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

2. Cordero, L. and E. H. Hon, "Scalp Abscess: A Rare Complication of Fetal Monitoring," *Journal of Pediatrics*, 78:533–537, March 1971.

3. Plavidal, F. J. and A. Werch, "Fetal Scalp Abscess Secondary to Intrauterine Monitoring," *American Journal of Obstetrics and Gynecology*, 125:65–70, May 1976.

4. Scanlon, J. W. and E. I. Walkley, "Neonatal Blood Loss as a Complication of Fetal Monitoring," *Pediatrics*, 50:934–936, 1972.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2685 as follows:

§ 884.2685 Fetal scalp clip electrode and applicator.

(a) *Identification.* A fetal scalp clip electrode and applicator is a device designed to establish electrical contact between fetal skin and an external monitoring device by means of pinching skin tissue with a nonreusable clip. This device is used to obtain a fetal electrocardiogram. This generic type of device may include a clip electrode applicator.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

Willam F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1131]

[FR Doc. 79–9435 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Intrauterine Pressure Monitors and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying intrauterine pressure monitors and accessories into class II (performance standards). The FDA is also publishing the recommendation of the of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of intruaterine pressure monitors and accessories:

1. Identification: An intrauterine pressure monitor is a device designed to detect and measure intrauterine and amniotic fluid pressure with a catheter placed transcervically into the uterine cavity. The device is used to monitor the strength, duration, and frequency of uterine contractions during labor. This generic type of device includes the following accessories: signal analysis and display equipment, patient and equipment supports, and component parts. The Panel includes in this generic type of device those devices identified as "intrauterine pressure recorder," "intrauterine catheter (and introducer)," and "intrauterine pressure transducer."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that the intrauterine pressure monitor and accessories be classified into calss II (performance standards) because the Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. Electrical safety standards are required to minimize the hazards of electrical shock. The catheter material must be strong enough to prevent its tip from breaking. Material standards are necessary to assure the appropriate flexibility of the intrauterine catheter so it can easily be introduced into the uterus and will not perforate the uterus. The Panel believes that measurement standards are necessary to assure an accurate indication of the strength, duration, and frequency of uterine contractions. The Panel recommends standardizing the distance from the catheter to the pressure holes to permit proper catheter tip placement. A calibrated pressure hole size will prevent inaccurate pressure measurement. The Panel also recommends that the catheter have depth markings along its side so one can determine how far the catheter is inserted and if a part has broken off when it is removed. The Panel also notes that when this device is used with other devices, the combination must be compatible. The method of sterilization must be stated in the device labeling to prevent infection.

The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device (Ref. 1). The Panel also reviewed the literature on the device and cited an unusual complication of this type of monitoring—a broken catheter tip (Ref. 2). Extensive clinical experience, which includes more than 1 million uses over the past several years (Ref. 3) in many perinatal centers, establishes the overall safety of the procedure and of the device.

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Misdiagnosis: Inadequate design or calibration could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment which places the patient or fetus at risk unnecessarily. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient or fetus. (d) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (e) Trauma: Improper depth or placement or breakage of the catheter could cause the device to puncture the patient's uterus.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that intrauterine pressure monitors and accessories be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

FDA's general concerns about fetal monitoring apply to intrauterine pressure monitors and accessories. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the **Federal Register.**

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the First Meeting of the Fetal Monitoring Device Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

2. Okada, D. M. and C. J. Hobel, "Unusual Complication of Fetal Monitoring: a Broken Intrauterine Catheter Tip," *American Journal of Obstetrics and Gynecology*, 117:1147–1148, December 1973.

3. Newman, M. R., "Fetal Monitoring Techniques," *CRC Critical Reviews in Bioengineering*, 2(2):139–140, January 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2700 as follows:

§ 884.2700 Intrauterine pressure monitor and accessories.

(a) *Identification.* An intrauterine pressure monitor is a device designed to detect and measure intrauterine and amniotic fluid pressure with a catheter placed transcervically into the uterine cavity. The device is used to monitor the strength, duration, and frequency of uterine contractions during labor. This generic type of device includes the following accessories: signal analysis and display equipment, patient and equipment supports, and component parts.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Receivd comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1132]

[FR Doc. 79–9436 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of External Uterine Contraction Monitors and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying external uterine contraction monitors and accessories into class II

(performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of external uterine contraction monitors:

1. Identification: An external uterine contraction monitor is a device used to monitor the progress of labor. It measures the strength, duration, and frequency of uterine contractions with a transducer strapped to the maternal abdomen. This generic type of device may include external pressure transducer, support straps, and other patient and equipment supports. The Panel previously considered this generic type of device under the name "tokodynamometer."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that external uterine contraction monitors be classified into class II (performance standards) because the Panel believes that measurement standards are necessary to assure an accurate indication of the strength, duration, and frequency of uterine contractions. A design standard or appropriate labeling is required to prevent excessive tightening of the strap so as to constrict circulation. A material standard is necessary to assure that the strap surface is smooth and will not cause trauma to the patient. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and experience with, the device. A review of the literature on the device shows that the continuous monitoring of labor identifies abnormal uterine contractions, provides a guide for regulation of oxytocin infusion (used to induce or shorten labor), and promotes the management of abnormal labor (Ref. 1). The Panel noted that extensive clinical use (over 5 million uses) in hospitals and medical centers demonstrates the safety of this device.

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Misdiagnosis. Inadequate design of the device can lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient or fetus at risk unnecessarily. (c) Trauma: Surface roughness or structure of the device could result in the device injuring the patient by constricting circulation and applying excessive pressure to the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that external uterine contraction monitors be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

FDA's general concerns about fetal monitoring apply to external uterine contraction monitors and accessories. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the Federal Register.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. LaCroi, G. E., "Monitoring Labor by an External Tokodynamometer," *American Journal of Obstetrics and Gynecology*, 101:111–119, 1968.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2720 as follows:

§ 884.2720 External uterine contraction monitor and accessories.

(a) *Identification.* An external uterine contraction monitor is a device used to monitor the progress of labor. It measures the strength, duration, and frequency of uterine contractions with a transducer strapped to the maternal abdomen. This generic type of device may include an external pressure transducer, support straps, and other patient and equipment supports.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1133]

[FR Doc. 79–9437 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Perinatal Monitoring Systems and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying perinatal monitoring systems

and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of perinatal monitoring systems and accessories:

1. Identifications: A perinatal monitoring system is a device used to show graphically the relationship between maternal labor and the fetal heart rate by means of combining and coordinating uterine contraction and fetal heart monitors with appropriate displays. It is used to assist in the assessment of the well-being of mother and fetus during pregnancy, labor, and delivery. This generic type of device may include any of the devices subject to six other proposals (§§ 884.2600, 884.2640, 884.2660, 884.2675, 884.2700, and 884.2720) published in this issue of the Federal Register. This generic type of device also includes the following accessories: central monitoring system and remote repeaters, signal analysis and display equipment, patient and equipment supports, and component parts. The Panel previously considered this generic type of device under the name "perinatal monitoring complex."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that perinatal monitoring systems and accessories be classified into class II (performance standards) because the Panel believes that standards are necessary to assure that the device effectively indicates the progress of labor and its effect upon the fetus. The Panel believes that perinatal monitoring systems must meet certain measurement requirements to ensure that they produce signals corresponding to the physiological condition. Also, electrical safety standards are necessary to minimize the hazards of electrical shock. The Panel further believes that if the device incorporates ultrasonic monitors, these monitors must not emit ultrasound energy at radiation levels unsafe to the patient or fetus. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that the accuracy, reproducibility, and limitations of the device's measurements be stated in the labeling. The Panel initially recommended that the device be classified into class III (premarket approval) because long-term effects of diagnostic ultrasonic are not known. The Panel changed its recommendation for diagnostic ultrasonic devices from class III to class II after considering the benefits and risks from the use of these devices, and the available data. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on an extensive review of the data presented to the Panel and to the Biologic Effects of Ultrasound Subcommittee (BEUS) (Ref. 1). These data, in conjuction with the extensive experience of some Panel members, reveal no observable damage to tissue occurring at power levels below 100 milliwatts per square centimeter (spatial peak, temporal average) of ultrasonic energy with a time exposure normal for diagnostic purposes. This conclusion has been published in a statement of the American Institute of Ultrasound in Medicine (AIUM) (Ref. 2). To the Panel's knowledge, no currently marketed device exceeds that power limit. Furthermore, a followup of children exposed to diagnostic doses in the womb shows no evidence of deleterious effects of ultrasound (Ref. 1). However, the Panel does recommend that fetal exposure (duration, area, and output intensity) should be minimized (consistent with obtaining necessary clinical information) because optimum power levels, maximum exposure times, and long-term effects upon the fetus from routine clinical use are unknown at this time. A technical committee chairman from the National Electrical Manufacturer's Association (NEMA) presented a proposal for diagnostic ultrasonic equipment parameters to the BEUS (Ref. 3). The Panel recommends that the NEMA maximum allowable values of ultrasonic energy and parameters suggested for the labeling of ultrasonic devices be used as an interim guideline for developing a performance standard for obstetric and abdominal diagnostic ultrasonic devices.

5. Risks to health: (a) Tissue damage: A device that uses ultrasonic energy may produce tissue damage if the energy output is not controlled. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Misdiagnosis: Inadequate design or calibration could lead to the generation of inaccurate diagnostic data. If inaccurate diagnostic data are used in managing the patient, the physician may prescribe a course of treatment that places the patient at risk unnecessarily. (d) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that perinatal monitoring systems and accessories be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained other data and information describing fetal monitoring. Combining uterine contraction and fetal heart rate monitors is a well-understood mode. Guidelines for fetal monitoring, including terminology, indications, evaluation, and instrumentation, have been established (Refs. 8 and 9). This device is commonly called a fetal monitor, but the Commissioner considers this name too general for regulatory purposes.

In its report, the Panel explicitly addressed only the ultrasonic monitoring aspects of this device. However, the concerns described in the six related fetal or uterine monitoring classification proposals (§§ 884.2600, 884.2640, 884.2660, 884.2675, 884.2700, and 884.2720) published elsewhere in this issue of the **Federal Register** apply to perinatal monitoring systems that include devices subject to these proposals. Furthermore, perinatal monitoring systems and accessories which include any of the devices subject to these proposals, must comply with any regulations that apply to any of their constituent parts.

Stratmeyer's review (Ref. 4) of the possible biological effects of ultrasound includes references to investigations showing that exposures of ultrasonic energy similar to those used in perinatal monitoring systems may cause biological effects in laboratory animals. Although those investigations are cause

for concern, the Commissioner regards them as inconclusive at this time. The studies have yet to be verified, and some investigators question the methods or findings of these investigations or their applicability to humans.

The Biological Effects of Ultrasound Subcommittee of FDA's Obstetrical and Gynecological Device Classification Panel has reviewed the possible adverse effects of diagnostic ultrasound devices. (The Subcommittee was established because of FDA's special concerns about the obstetrical use of ultrasound, based upon several studies involving laboratory animals that showed various biological effects from prenatal ultrasound exposures (Ref. 4).) The Subcommittee concluded that there is sufficient information available to establish a standard for diagnostic ultrasound devices generally (Refs. 5, 6, and 7).

In the Federal Register of February 13, 1979 (44 FR 9542), FDA published a notice of intent in the Federal Register announcing that it is considering an action program to reduce exposure to diagnostic ultrasound as much as practicable, consistent with the need for essential diagnostic information. One action the agency is considering is promulgation of a performance standard under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 42 U.S.C. 2636 et seq.).

The agency believes that a performance standard under the Radiation Control for Health and Safety Act may be necessary for perinatal monitoring systems and accessories because general controls by themselves may be insufficient to control the risks to health. The agency also believes that there is sufficient information to establish a standard that will provide reasonable assurance of the safety and effectiveness of the device.

FDA recognizes that some scientists believe that the effectiveness of electronic fetal monitoring has not been thoroughly evaluated and, therefore, that benefits should not be presumed (Refs. 9 and 10). A recent study shows that electronic fetal monitoring saves many fetal lives when used in high-risk pregnancies but is of negligible value when used in low-risk pregnancies, which are by far the most numerous (Refs. 8 and 11). Electronic fetal monitoring also appears to result in increased caesarian deliveries without a resulting improvement in outcome (Ref. 9). Also, monitoring results in decreased maternal mobility, which can cause ominous readings and complications (Refs. 12 and 13). Although internal monitors are more accurate, their use requires rupture of the amniotic sac, which increases the risk of infection and of unusually strong contractions and which compels completion of the birth within a short time (Ref. 10). Therefore, the choice of electronic fetal monitoring by the patient and the medical practitioner must be made in light of the associated risk. Despite doubts about the value of universal fetal monitoring, the value of monitoring in certain cases is clear. Moreover, perinatal monitoring systems have matured to the extent that standards can be written for their technical performance. In fact, guidelines for fetal monitoring, including terminology, indications, evaluation, and instrumentation, have been established (Refs. 14 and 15).

The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Nyborg, W. L., "Minimum Thresholds for Bio-Effects of Ultrasound," Unpublished paper, Attachment E to Summary Minutes of the First Meeting of the Biologic Effects of Ultrasound Subcommittee, Panel on review of Obstetrical-Gynecological Devices, January 1976.

Bio-Effects committee, "AIUM Committee Report," *Reflections, 3(1):18, 1977.*

3. Buxbaum, C., "Diagnostic Ultrasonic Equipment Parameters: Recommendations of the Technical Committee, Ultrasound Section, NEMA, October 22, 1976," Unpublished paper, Attachment E to Obstetrical and gynecological Device Panel Classification Report, November 1977.

4. Stratmeyer, M. E., "Research Directions in Ultrasound Bioeffects—A Public Health View," Symposium on Biological Effects and Characterizations of Ultrasound Sources, June 2 and 3, 1977, pp. 240–245, HEW Publication (FDA) 78–8048.

5. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB-GYN Device Classification Panel (First Meeting), Jan. 22–23, 1976.

6. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB-GYN Device Classification Panel (Second Meeting), Oct. 28, 1976.

7. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB-GYN Device Classification Panel (Third Meeting), Oct. 4, 1977.

8. Summary Minutes of the Fetal Monitoring Device Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

9. Haverkamp, A. D., H. F. Thompson, J. G. McFee, and C. Cetrulo, "The Evaluation of Continuous Fetal Heart Rate Monitoring in High-Risk Pregnancy," *American Journal of Obstetrics and Gynecology, 125:310–320, June 1976.*

10. Auld, P., "Adverse Effects of Invasive and Non-Invasive Fetal Monitoring," Unpublished paper, Attachment 3 to Summary Minutes of the Fetal Monitoring Devices Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

11. Neutra, R. R., S. E. Feinberg, S. Greenland, and E. A. Friedman, "Effect of Fetal Monitoring on Neonatal Death Rates," *New England Journal of Medicine,* 299:324–326, Augst 1978.

12. Bardon, T., "The Current Status of Invasive Fetal Monitors," Unpublished paper, Attachment 2 to Summary Minutes of the Fetal Monitoring Devices Subcommittee of the Obstetrical and Gynecological Device Classification Panel, November 1976.

13. Baker, R. A., "Editorial: Technologic Intervention in Obstetrics," *Obstetrics and Gynecology,* 51:241–243, February 1978.

14. ACOG Technical Bulletin Number 32, "Fetal Heart Rate Monitoring: Guidelines for Monitoring, Terminology, and Instrumentation," American College of Obstetricians and Gynecologists, Chicago, IL, June 1975.

15. ACOG Technical Bulletin Number 44, "Intrapartum Fetal Monitoring," American College of Obstetricians and Gynecologists, Chicago, IL, January 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2740 as follows:

§ 884.2740 Perinatal monitoring system and accessories.

(a) *Identification.* A perinatal monitoring system is a device used to show graphically the relationship between maternal labor and the fetal heart rate by means of combining and coordinating uterine contraction and fetal heart monitors with appropriate displays. It is used to assist in the assessment of the well-being of mother and fetus during pregnancy, labor, and delivery. This generic type of device may include any of the devices subject to six other preceding sections (§§ 884.2600, 884.2640, 884.2660, 884.2675, 884.2700, and 884.2720). This generic type of device includes the following accessories: central monitoring system and remote repeaters, signal analysis

and display equipment, patient and equipment supports, and component parts.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1134]

[FR Doc. 79-9438 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Fetal Stethoscopes

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal stepthoscopes into class I (general controls). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class I. The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of fetal stethoscopes:

1. Identification: A fetal stethoscope is a device used for listening to fetal heart sounds. It is designed to transmit the fetal heart sounds not only through sound channels by air conduction but also through the user's head by tissue conduction into the user's ears. It does not use ultrasonic energy. This device is designed to eliminate noise interference commonly caused by handling conventional stethoscopes.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that fetal stethoscopes by classified into class I because it is a simple and safe device whose effectiveness can easily be determined. General controls are sufficient to provide reasonable assurance of the safety and effectiveness of this device.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' personal knowledge of, and experience with, the device. The fetal stethoscope has been in use for many years.

5. Risks to health: None identified.

Proposed classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal stethoscopes be classified into class I (general controls) with no exemptions because the Commissioner believes that these controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2900 as follows:

§ 884.2900 Fetal stethoscope.

(a) *Identification.* The fetal stethoscope is a device used for listening to fetal heart sounds. It is designed to transmit the fetal heart sounds not only through sound channels by air conduction, but also through the user's head by issue conduction into the user's ears. It does not use ultrasonic energy. This device is designed to eliminate noise interference commonly caused by handling conventional stethoscopes.

(b) *Classification.* Class I (general controls).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1135]

[FR Doc. 79-9439 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Obstetric Ultrasonic Transducers and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric ultrasonic transducers and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–

65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of obstetric ultrasonic transducers and accessories:

1. Identification: An obstetric ultrasonic transducer is a device used to apply ultrasonic energy to, and receive ultrasonic energy from, the body in conjunction with an obstetric monitor or imager. The device converts electrical signals into ultrasonic energy, and vice versa, by means of an assembly distinct from an ultrasonic generator. This generic type of device includes the following accessories: coupling gel, preamplifiers, amplifiers, signal conditioners with their power supply, connecting cables, and component parts. This generic type of device does not include devices used to generate the ultrasonic frequency electrical signals for application. The Panel previously considered this generic type of device under the name "ob-gyn ultrasonic transducer."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device is a high priority.

3. Summary of reasons for recommendation: The Panel recommends that the obstetric ultrasonic transducer and accessories be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure that the emitted ultrasonic energy does not reach levels of radiation unsafe to the patient or fetus. The Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel also believes that electrical safety standards are required to minimize the hazards of electrical shock. The Panel notes that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel weighed the benefit to risk factor of the use of diagnostic ultrasound with the available data, recognizing that the long-term effects of diagnostic ultrasound are not well known. The Panel initially recommended that the device be classified into class III (premarket approval) because the long-term effects of diagnostic ultrasound are not known. The Panel changed its recommendation for diagnostic ultrasound devices from class III to class II after considering the benefits and risks from the use of these devices, and the available data. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on an extensive review of the data on ultrasonic devices presented to the Panel and to the Biologic Effects of Ultrasound Subcommittee (BEUS) (Ref. 1). These data, in conjunction with the extensive experience of some Panel members, supported the conclusion that there is no observable damage to tissue when the transducer power output is below 100 milliwatts per square centimeter (spatial peak, temporal average) of ultrasonic energy within a normal diagnostic exposure time. This conclusion has been published in a statement of the American Institute of Ultrasound in Medicine (AIUM) (Ref. 2.). To the Panel's knowledge, no currently marketed device exceeds that power limit. Furthermore, a followup of children exposed to diagnostic doses in the womb showed no evidence of deleterious effects (Ref. 1). However, the Panel does recommend that fetal exposure (duration, area, and output intensity) should be minimized (consistent with obtaining necessary clinical information) because optimum power levels, maximum exposure times, and long-term effects upon the fetus from routine clinical use are unknown at this time. A technical committee chairman from the National Electrical Manufacturers Association (NEMA) presented a proposal for diagnostic ultrasonic equipment parameters to the BEUS (Ref. 3). The Panel recommends that the NEMA maximum allowable values of ultrasonic energy and parameters suggested for the labeling of ultrasonic devices be used as an interim guideline for developing a performance guideline for obstetric and abdominal diagnostic ultrasonic devices.

5. Risks to health: (a) Tissue damage: The device's ultrasonic energy may cause tissue damage if the energy output is not controlled. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Adverse tissue reaction: Material in or substances used with the device could result in a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric ultrasonic transducers and accessories be classified into class II (performance standards). Stratmeyer's review (Ref. 4) of the possible biological effects of ultrasound includes references to investigations showing that exposures of ultrasonic energy similar to those used in obstetrical, gynecological, and abdominal diagnosis may cause biological effects in laboratory animals. Although those investigations are cause for concern, the Commissioner regards them as inconclusive at this time. The studies have yet to be verified, and some investigators question the methods or findings of these investigations or their applicability to humans.

The Biological Effects of Ultrasound Subcommittee of FDA's Obstetrical and Gynecological Device Classification Panel has reviewed the possible adverse effects of diagnostic ultrasound devices. (The Subcommittee was established because of FDA's special concerns about the obstetrical use of ultrasound, based upon several studies involving laboratory animals that showed various bilogical effects from prenatal ultrasound exposures (Ref. 4).) The Subcommittee concluded that there is sufficient information available to establish a standard for diagnostic ultrasound devices generally (Refs. 5, 6, and 7).

In the **Federal Register** of February 13, 1979 (44 FR 9542), FDA published a notice of intent in the **Federal Register** announcing that it is considering an action program to reduce exposure to diagnostic ultrasound as much as practicable, consistent with the need for essential diagnostic information. One action the agency is considering is promulgation of a performance standard under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 42 U.S.C. 2636 et seq.).

The agency believes that a performance standard under the Radiation Control for Health and Safety Act may be necessary for obstetric ultrasonic transducers and accessories because general controls by themselves may be insufficient to control the risks to health. The agency also believes that there is sufficient information to establish a standard that will provide reasonable assurance of the safety and effectiveness of the device.

FDA's general concerns about fetal monitoring apply to obstetric ultrasonic transducers and accessories used in fetal monitoring. These concerns are described in proposed § 884.2740 regarding the classification of perinatal monitoring systems published elsewhere in this issue of the **Federal Register.**

References

The following information has been placed in the office of the Hearing Clerk (address above), and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Nyborg, W. L., "Minimum Thresholds for Bio-Effects of Ultrasound," Unpublished paper, Attachment E to Summary Minutes of

the First Meeting of the Biologic Effects of Ultrasound Subcommittee, Panel on Review of Obstetrical-Gynecological Devices, January 1976.

2. Bio-Effects Committee, "AIUM Committee Report," *Reflections* 3(1):18, 1977.

3. Buxbaum, C., "Diagnostic Ultrasonic Equipment Parameters: Recommendations of the Technical Committee***October 22, 1976," Unpublished paper, Attachment E to Obstetrical and Gynecological Device Panel Classification Report, November 1977.

4. Stratmeyer, M. E., "Research Directions in Ultrasound Bioeffects—A Public Health View," Symposium on Biological Effects and Characterizations of Ultrasound Sources, June 2 and 3, 1977, pp. 240–245, HEW Publication (FDA) 78–8048.

5. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB-GYN Device Classification Panel (First Meeting), Jan. 22–23, 1976.

6. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB-GYN Device Classification Panel (Second Meeting), Oct. 28, 1976.

7. Minutes of the Biologic Effects of Ultrasound Subcommittee of the OB-GYN Device Classification Panel (Third Meeting), Oct. 4, 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.2960 as follows:

§ 884.2960 Obstetric ultrasonic transducer and accessories.

(a) *Identification.* An obstetric ultrasonic transducer is a device used to apply ultrasonic energy to, and to receive ultrasonic energy from, the body in conjunction with an obstetric monitor or imager. The device converts electrical signals into ultrasonic energy, and vice versa, by means of an assembly distinct from an ultrasonic generator. This generic type of device includes the following accessories: coupling gel, preamplifiers, amplifiers, signal conditioners with their power supply, connecting cables, and component parts. This generic type of device does not include devices used to generate the ultrasonic frequency electrical signals for application.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1136]

[FR Doc. 79–9440 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Cervical Drains

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying cervical drains into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal eleswhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of cervical drains:

1. Identification: A cervical drain is a device designed to provide an exit channel for draining discharge from the cervix after pelvic surgery.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that cervical drains be classified into class II (performance standards) because the Panel believes that since device materials contacting the cervix could degrade and cause an adverse tissue reaction, they should therefore meet a biocompatibility standard. The Panel states that, because this device presents an open channel to the uterus, infection might occur. The Panel recommends that the method of sterilization be stated in the device labeling to prevent infection. The Panel also believes that material standards are necessary to assure appropriate hardness and flexibility of the device to prevent collapse of the drain. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device.

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Adverse tissue reaction: Material or substances in the device could result in a systemic or local tissue reaction when the device comes in contact with the patient. (c) Loss of patency: Use of inappropriate material could allow the device to collapse, causing a restriction in the flow of discharge.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that cervical drains be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority

delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 by adding new Subpart D and § 884.3200 as follows:

Subpart D—Obstetrical and Gynecological Prosthetic Devices

§ 884.3200 Cervical drain.

(a) *Identification.* A cervical drain is a device designed to provide an exit channel for draining discharge from the cervix after pelvic surgery.

(b) *Classification.* Class III (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1137]

[FR Doc. 79–9441 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03

[21 CFR Part 884]

Classification of Vaginal Pessary

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying the vaginal pessary into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation with respect to the classification of the vaginal pessary:

1. Identification: A vaginal pessary is a removable structure placed in the vagina to support the pelvic organs and is used to treat such conditions as uterine prolapse (falling down of uterus), uterine retroposition (backward displacement), or gynecologic hernia.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that the vaginal pessary be classified into class II (performance standards) because the Panel believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel also believes that design standards are necessary to assure that the device's shape does not cause urethral or bowel obstruction. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that proper cleaning procedures and the method of use be stated in the device labeling to prevent infection or injury to surrounding organs. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The need for proper fit and cleaning is emphasized in many standard textbooks on gynecology (Refs. 1, 2, and 3).

5. Risks to health: (a) Infection: If the device is not properly cleaned, it may introduce microorganisms that could cause infection. (b) Trauma: Structural failure of the device could cause the device to injure the patient's vagina, cervix, or uterus. (c) Adverse tissue reaction: Material or substances in the device could result in a systemic or local tissue reaction when the device contacts the patient's vagina. (d) Urethral or bowel obstruction: Poor design of the vaginal pessary shape could cause urethral or bowel obstruction.

Proposed classification

The Commissioner agrees with the Panel recommendation and is proposing that the vaginal pessary be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

The Commissioner points out that the vaginal pesary differs from the stem-type and wing-type pessaries declared misbranded in § 801.408 (21 CFR 801.408). The stem-type or wing-type pessary is an intracervical device that is inserted into the cervical canal and is used to prevent pregnancy.

References

The following information has been placed in the office of the Hearing Clerk (HFA–305) (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Greenhill, J. P., "Office Gynecology," 9th Ed., Yearbook Medical Publishers, Inc., Chicago, IL, 1971.

2. Novak, E. R., et al., "Novak's Textbook of Gynecology," 9th Ed., Baltimore, MD, Williams and Wilkins Co., 1975.

3. Benson, R. C., Current Obstetric and Gynecologic Diagnosis and Treatment, Los Altos, CA, Lange Medical Publications, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart D by adding new § 884.3575 as follows:

§ 884.3575 Vaginal pessary.

(a) *Identification.* A vaginal pessary is a removable structure placed in the vagina to support the pelvic organs and is used to treat such conditions as uterine prolapse (falling down of uterus), uterine retroposition (backward displacement), or gynecologic herina.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1138]

[FR Doc. 79–9442 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Fallopian Tube Prostheses

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fallopian tube prostheses into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–395), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation with respect to the classification of fallopian tube prostheses:

1. Identification: A fallopian tube prostheses is a device designed to maintain the patency (openness) of the fallopian tube and is used after reconstructive surgery.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that fallopian tube prosthesis be classified into class II (performance standards) because the Panel believes that since device materials contacting the body could degrade and cause an adverse tissue reaction, they should therefore meet a biocompatibility standard. Because of the reported risk of breakage and loss of the device within the body, the Panel recommends that it be radiopaque to facilitate location by radiography. The Panel recommends that the method of sterilization be stated in the device labeling, to prevent infection. The Panel believes that general controls alone will not provide sufficient control of these characteristics. The Panel also believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the literature on fallopian tube prostheses. Most patients in whom this prosthesis was used maintained tubal patency, and some patients subsequently conceived (Ref. 1).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Trauma, hemorrhage, perforation: Breakage of the device could result in its injuring or puncturing the patient's bowel or other peritoneal organs. (c) Adverse tissue reaction: Material or substances in the device could result in a systemic or local tissue reaction when the device comes in contact with the patient's tissues.

Proposed classification

The Commissioner agrees with the Panel recommendation and is proposing that fallopian tube prostheses be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained additional data and information describing the application of fallopian tube prostheses. This prosthesis is not considered an implant for purposes of the classification procedures regulation § 860.3(d) (21 CFR 860.3(d)) because it is used to maintain patency of the fallopian tube after reconstructive surgery for periods of less than 30 days (Ref. 2), and because the Commissioner has determined that the device need not be considered an implant to protect human health. The classification procedures regulation was published in the **Federal Register** of July 28, 1978 (43 FR 32988). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Roland, M. and D. Leisten, "Tuboplasty in 130 Patients: Improved Results Due to Stents and Preoperative Endoscopy," *Obstetrics and Gynecology*, 39:57–64, 1972.

2. Rigney, B.F., "Case Report: Mechanical Failure of a Spiral Transabdominal Teflon Stent in Tuboplasty," *Fertility and Sterility*, 26:186–189, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart D by adding new § 884.3650 as follows:

§ 884.3650 Fallopian tube prosthesis.

(a) *Identification.* A fallopian tube prosthesis is a device designed to maintain the patency (openness) of the fallopian tube and is used after reconstructive surgery.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may

submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

Docket No. 78N-1140
[FR Doc. 79-9443 Filed 4-2-79; 8:45 am]
BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Vaginal Stents

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying vaginal stents into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding classification of vaginal stents:

1. Identification: A vaginal stent is a vaginal-shaped device designed to fill the vaginal cavity. This device is used to enlarge the vagina by stretching or to support the vagina after reconstructive surgery. The panel includes in this generic type of device "vaginal molds" and "vaginal dilators."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

Summary of reasons for recommendation: The Panel recommends that vaginal stents be classified into class II (performance standards) because the Panel believes that materials contacting the vagina should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel also believes that material standards are necessary to assure an adequate surface finish to prevent laceration of the vagina. The Panel recommends that the method of sterilization be stated in the device labeling to prevent infection. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device.

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Trauma: Rough surface finish of the device could injure the patient's vagina. (c) Adverse tissue reaction: Material or substances in the device could result in a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that vaginal stents be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained other data and information describing the application of the vaginal stent. This device is not considered an implant for purposes of the classification procedures regulation § 860.3(d) (21 CFR 860.3(d)) because it is put in place after reconstructive surgery for periods of less than 30 days (Refs. 1 and 2), and because the Commissioner has determined that the device need not be considered an implant to protect human health. The classification procedures regulation was published in the **Federal Register** of July 28, 1978 (43 FR 32988). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Watring, W. G., L. D. Lagass, M. L. Smith, G. H. Johnson, et al., "Vaginal Reconstruction Following Extensive Treatment for Pelvic Cancer," *American Journal of Obstetrics and Gynecology*, 125(6):809-814, July 1976.

2. Jones, Jr., H. W. and M. E. Andrews, "Surgery for Congenital Anomalies of the Uterus and Vagina and for Infertility," *in* "Gynecologic Surgery: Errors, Safeguards, Salvage," Edited by Ridley, J. H., The Williams and Wilkins Co., Baltimore, pp. 202-215, 1974.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart D by adding new § 884.3900 as follows:

§ 884.3900 Vaginal stent.

(a) *Identification.* A vaginal stent is a vaginal-shaped device designed to fill the vaginal cavity. This device is used to enlarge the vagina by stretching or to support the vagina after reconstructive surgery.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-1141]

[FR Doc. 79-9444 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Endoscopic Electrocautery and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying the endoscopic electrocautery and accessories into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classified Panel, an FDA advisory committee, made the following recommendation regarding the classification of the endoscopic electrocautery and accessories:

1. Identification: An endoscopic electrocautery is a device used to perform female sterilization under endoscopic observation. It is designed to coagulate fallopian tubes with a probe heated by low-voltage energy. This generic type of device includes the following accessories: electrical generators, probes, and electrical cables. The Panel considered this generic type of device under the name "low voltage thermal coagulator and accessories."

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that the endoscopic electrocautery be classified into class III (premarket approval) because satisfactory performance has not been sufficiently documented. The Panel believes that it is not possible now to establish an adequate performance standard for this device. The Panel also believes that the insulation and proper heat generation of the endoscopic electrocautery must be controlled to prevent unintended burns. The Panel noted that when this device is used with other devices as a system, the combination must be compatible. The Panel believes that a performance standard will not provide reasonable assurance of the safety and effectiveness of the device and that there is not sufficient information to establish a standard to provide such assurance. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based on its recommendation on personal knowledge of, and experience with, the device. The data available show that, although this device appears to be safer than all other types of electrosurgical devices, its effectiveness and the rate of subsequent pregnancies have not yet been determined. A reported study of this device with 200 patients shows enhanced inherent safety features and effective tissue coagulation of the fallopian tubes as assessed by gross and microscopic methods. Sixty-four patients followed from 12 to 21 months show no method failures (Ref. 1).

5. Risks to health: (a) Ectopic (extra-uterine) or contraindicated pregnancy: Poor design of this device could prevent proper fallopian tube coagulation, thus permitting undesired pregnancy or possibly life-threatening ectopic pregnancy. (b) Burns: Poor insulation could cause unintended tissue burns when the device comes in contact with the patient. (c) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that the endoscopic electrocautery and accessories be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has obtained additional data and information describing the application of the endoscopic electrocautery and accessories. Some of the literature indicates that this device is safe and effective for female sterilization (Ref. 2), but adequate long-term followup data are needed (Ref. 3).

The Commissioner believes that the device is purported or represented to be for a use (female sterilization) that is of substantial importance in preventing impairment of human health. The Commissioner believes that the device presents a potential unreasonable risk of illness or injury because its failure to operate properly could permit a life-threatening ectopic pregnancy. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Gunning, J. E., J. P. Tomasula, and T. Garite, "Clinical Experiences Utilizing Thermal Coagulation for Laparascopic Tubal Sterilization," unpublished paper, Attachment 1 to Summary Minutes of the Third Meeting of the Endoscopic and Electrosurgical Device Subcommittee of the Obstetric and Gynecologic Classification Panel, June 1977.

2. Semm, K., "Endocoagulation: A New Field of Endoscopic Surgery," *The Journal of Reproductive Medicine,* 16:195-203, 1976.

3. Wortman, J., "Tubal Sterilization—Review of Methods," *Population Reports,* Series C:73-95, May 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 by adding new Subpart E and § 884.4100 to read as follows:

Subpart E—Obstetrical and Gynecological Surgical Devices

§ 884.4100 Indoscopic electrocautery and accessories.

(a) *Identification.* An endoscopic electrocautery is a device used to perform female sterilization under

endoscopic observation. It is designed to coagulate fallopian tube tissue with a probe heated by low-voltage energy. This generic type of device includes the following accessories: electrical generators, probes, and electrical cables.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1142]

[FR Doc. 79–9445 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Gynecologic Electrocautery and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying the gynecologic electrocautery and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of gynecologic electrocautery and accessories:

1. Identification: A gynecologic electrocautery is a device designed to destroy tissue with high temperatures by tissue contact with an electrically heated probe. It is used to excise cervical lesions, perform biopsies, or treat chronic cervicitis under direct visual observation. This generic type of device includes the following accessories: an electrical generator, a probe, and electrical cables. The Panel previous considered this generic type of device under the name "cervical electrocautery and accessories."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that the gynecologic electrocautery and accessories be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure that the device's thermal features (heat generation, insulation, and probe tip dimensions) are controlled to prevent unintended burns. The Panel also believes that the device materials contacting the body should meet a biocompatibility standard to prevent adverse tissue reaction. Electrical safety standards are required to minimize the hazards of electrical shock. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The gynecologic electrocautery is used widely, and its indications and hazards are well documented (Ref. 1).

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns when the device contacts the patient's vulva, vagina, or cervix. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient.

(c) Adverse tissue reaction: Materials or substances in the device could result in a systemic or local tissue reaction when the device comes in contact with the patient. (d) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that the gynecologic electrocautery and accessories be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Greenhill, J. P., "Office Gynecology," 9th Ed., Year Book Medical Publisher, Chicago, IL, 1971.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart C by adding new § 884.4120 as follows:

§ 884.4120 Gynecologic electrocautery and accessories.

(a) *Identification.* A gynecologic electrocautery is a device designed to destroy tissue with high termperatures by tissue contact with an electrically heated probe. It is used to excise cervical lesions, perform biopsies, or treat chronic cervicitis under direct visual observation. This generic type of device includes the following accessories: an electrical generator, a probe, and electrical cables.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug

Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

Willam F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1143]

[FR Doc. 79–9446 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Bipolar Endoscopic Coagulator-Cutters and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying bipolar endoscopic coagulator-cutters and accessories into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of bipolar endoscopic coagulator-cutters and accessories:

1. Identification: A bipolar endoscopic coagulator-cutter is a device used to perform female sterilization and other operative procedures under endoscopic observation. It destroys tissue with high temperatures by directing a high frequency electrical current through tissue between two electrical contacts of a probe. This generic type of device includes the following accessories: An electrical generator, probes, and electrical cables. The Panel considered this generic type of device under the name "bipolar laparoscopic coagulator and accessories."

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that bipolar endoscopic coagulator-cutters and accessories be classified into class III. The Panel believes that it is not possible to establish an adequate performance standard for this device because satisfactory performance has not been sufficiently documented. The device is designed to coagulate the fallopian tubes to prevent pregnancy. Due to improper design, however, the device may not adequately coagulate the fallopian tubes. Until the device has been shown to be effective, it must be regulated under strict controls. The Panel believes that a performance standard will not provide reasonable assurance of the safety and effectiveness of the device and that there is insufficient information to establish a standard to provide such assurance. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on its personal knowledge of, and experience with, the device. Data presented to the Panel (Refs. 1 and 2) demonstrate that the bipolar endoscopic coagulator-cutter is perhaps safer than the unipolar endoscopic coagulator-cutter; however, only a limited number of case studies are available. The Panel stated that the data are inadequate at the present time to prove overall long-term effectiveness in tubal sterilization by the bipolar endoscopic coagulator-cutter.

5. Risks to health: (a) Ectopic (extrauterine) or contraindicated pregnancy: Poor design of the two probe electrodes could inhibit proper fallopian tube coagulation with undesired and possibly life-threatening ectopic pregnancy as a consequence. (b) Electrical shock and burns: Although the design of the active probe greatly reduces the hazards of electrical shock and burns, malfunction of the bipolar coagulator-cutter could result in tissue burn and electrical shock. (c) Infection: If the device is not properly sterilized, it may introduct microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that bipolar endoscopic coagulator-cutters and accessories be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has sought other information and data describing the application of the bipolar endoscopic coagulator-cutter and accessories. Some of the literature suggests that this device is effective (Ref. 3), but long-term data are needed to demonstrate that this device can perform as well as alternate methods (Ref. 4).

The Commissioner believes that the device is purported or represented to be for a use (female sterilization) that is of substantial importance in preventing impairment of human health. The Commissioner believes that the device presents a potential unreasonable risk of illness or injury to the patient if an ectopic or contraindicated pregnancy occurs as a result of a device failure. The Commissioner concurs that insufficient information exists to determine that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device, and he also believes that insufficient information exists to establish a performance standard which will provide such assurance.

References

The following information has been placed in the office of the Hearing Clerk and may be seen by interesed persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the First Meeting of the Endoscopic and Electrosurgical Subcommittee of the Ob-Gyn Device Classification Panel, October 1976.

2. Corson, S. L., "Bipolar Electrosurgery in Laparoscopy," Attachment A to Summary Minutes of the Second Meeting of the Endoscopic and Electrosurgical Subcommittee of the Ob–Gyn Device Classification Panel, January 1977.

3. Yuzpe, A. A., R. J. Anderson, N. P. Cohen, and J. L. West, "A Review of 1,035 Tubal Sterilizations by Posterior Colpotomy Under Local Anesthesia or by Laparoscopy," *The Journal of Reproductive Medicine*, 13:106–109, September 1974.

4. Wortman, J., "Tubal Sterilization—Review of Methods," *Population Reports*, Series C, No. 7, C73–C95, May 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4150 as follows:

§ 884.4150 Bipolar endoscopic coagulator-cutter and accessories.

(a) *Identification.* A bipolar endoscopic coagulator-cutter is a device used to perform female sterilization and other operative procedures under endoscopic observation. It destroys tissue with high temperatures by directing a high frequency electrical current through tissue between two electrical contacts of a probe. This generic type of device includes the following accessories: an electrical generator, probes, and electrical cables.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday thorugh Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1144]
[FR Doc. 79–9447 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03–M]

[21 CFR Part 884]

Classification of Unipolar Endoscopic Coagulator-Cutters and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying unipolar endoscopic coagulator-cutters and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–755.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elswhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of unipolar endoscopic coagulator-cutters and accessories:

1. Identification: A unipolar endoscopic coagular-cutter is a device designed to destroy tissue with high temperatures by directing a high frequency electrical current through the tissue between an energized probe and a gounding plate. It is used in female sterilization and other operative procedures under endoscopic observation. This generic type of device included the following accessories: An electrical generator, probes and electrical cables, and a patient grounding plate. This generic type of device does not include devices used to perform female sterilization under hsyteroscopic observation. The Panel previously considered this generic type of device under the names "culdoscopic coagulator and accessories," "hysteroscopic coagulator and acccessories" (which is for use in operative procedures other than sterilization), and "unipolar laparoscopic coagulator and accessories."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that unipolar endoscopic coagulator-cutters and accessories be classified into class II (performance standards) because the Panel believes that electrical safety standards are required to minimize the hazards of electrical shock, particularly those from the high frequency current used by the device. The Panel recommends that the device have proper current control, a grounding plate of standardized size, and an electrically insulated assembly. The Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel also recommends that the method of sterilizing the device be stated in the labeling, to prevent infection. The Panel notes that when this device is used with other devices, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, this device. Published data and Panel experience show widespread clinical use of this device. Of 146,976 tubal sterilizations by laparoscopy, the failure rate was 0.189 percent and the complication rate was 0.53 percent (Ref. 1). The data on coagulation with culdoscopy extends over many years with approximately equivalent results (Ref. 2). The Panel recommends discontinuing the use of the spark-gap generator because the peak voltage is higher than necessary even at low settings. The Panel recommends that for the unipolar coagulator-cutter, the open circuit peak voltage should not exceed 600 volts and that the power output through a low resistance of 200–500 ohms, nonreactive, should not exceed 100 watts. If the above recommendations are not followed, the nonconductive sleeve for the scope is dangerous and should not be used. In addition, the second trocar sleeve (through which an electrosurgical instrument may be introduced) should be nonconductive. The Panel also believes that data are not sufficient at this time to approve sterilization with the unipolar endoscopic coagulator-cutter as an accepted hysteroscopic technique. Clinical studies are being conducted to investigate this procedure (Refs. 3 and 4).

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns, particularly bowel burns, when the device heats the patient's tissue. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (c) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (d) Adverse tissue reaction: Material in the device could cause a local tissue or systemic reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that unipolar endoscopic coagulator-cutters and accessories not for use in hysteroscopic sterilization be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained other data and information describing the application of unipolar endoscopic coagulator-cutters and accessories. The available literature indicates that this is a modality for which satisfactory performance standards can be developed (Refs. 5 and 6). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Phillips, J., D. Keith, L. Keith, J. Hulka, and B. Hulka, "Survey of Gynecologic Laparoscopy for 1974," *The Journal of Reproductive Medicine*, 15:45–50, August 1975.

2. Bank, A. H., "Culdoscopic Tubal Sterilization," *Fertility and Sterility*, 24:155–157, February 1973.

3. Bartsich, E. G. and T. F. Dillon, "Carbon Dioxide Hysteroscopy," *The American Journal of Obstetrics and Gynecology*, 124:746–750, April 1976.

4. Valle, R. F. and J. J. Sciarra, "Hysteroscopy: A Useful Diagnostic Adjunct in Gynecology," *The American Journal of Obstetrics and Gynecology*, 122:230–235, May 1975.

5. Clyman, M. J., "Operative Culdoscopy," *Obstetrics and Gynecology*, 32:840–845, December 1968.

6. Wortman, J., "Tubal Sterilization—Review of Methods," *Population Reports*, Series C, No. 7:C73–C95, May 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4160 as follows:

§ 884.4160 Unipolar endoscopic coagulator-cutter and accessories.

(a) *Identification.* A unipolar endoscopic coagulator-cutter is a device designed to destory tissue with high temperatures by directing a high frequency electrical current through the tissue between an energized probe and a grounding plate. It is used in female sterilization and in other operative procedures under endoscopic observation. This generic type of device includes the following accessories: An electrical generator, probes and electrical cables, and a patient grounding plate. This generic type of device does not include devices used to perform female sterilization under hysteroscopic observation.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1145]

[FR Doc. 79–9448 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Expandable Cervical Dilators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying expandable cervical dilators into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of expandable cervical dilators:

1. Identification: An expandable cervical dilator is an instrument with two handles and two opposing blades used manually to dilate (stretch open) the cervix.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that expandable cervical dilators be classified into class III (premarket approval) because the Panel believes that it is not possible to establish an adequate performance standard for this device. The design characteristics of this device are such that a standard cannot be established now which would assure a safe, evenly distributed cervical dilation. Safer methods of cervical dilation are available that do not have the high risk of cervical tears and laceration associated with the use of the expandable cervical dilator. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel members' experience with the

expandable cervical dilator has been that its leverage is very difficult to control in such a way that the cervix is dilated evenly. The Panel believes that more data concerning these types of dilators are necessary before standards can be written.

5. Risks to health: (a) Laceration of the cervix: Appropriate design and materials are necessary to prevent trauma to the cervix and possible subsequent infertility. (b) Adverse tissue reaction: Material in the device could cause a local tissue or systematic reaction when the device comes in contact with the patient. (c) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that expandable cervical dilators be classified into class III (premarket approval). The Commissioner believes that the device is purported or represented to be for a use (cervical dilation) that is of substantial importance in preventing impairment of human health. The Commissioner believes the device presents a potential unreasonable risk of illness or injury because its safety and efficacy have not been proven, and safer alternate methods are now available. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4250 as follows:

§ 884.4250 Expandable cervical dilator.

(a) *Identification:* An expandable cervical dilator is an instrument with two handles and two opposing blades used manually to dilate (stretch open) the cervix.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1146]

[FR Doc. 79-9449 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Hygroscopic-Laminaria Cervical Dilators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying hygroscopic-laminaria cervical dilators into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–75555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of hygroscopic-laminaria cervical dilators:

1. Identification: A hygroscopic-laminaria cervical dilator is a device designed to dilate (stretch open) the cervix by cervical insertion of a conical and expansible material made from the root of a seaweed (laminaria digtata).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that hygroscopic-laminaria cervical dilators be classified into class II (performance standards) because the Panel believes that a standard can assure that the device, which is susceptible to contamination by spores, is sterile. The Panel recommends that the method of sterilization be stated in the labeling. The Panel believes that general controls alone will not provide sufficient control over this characteristic. The panel also recommends that the labeling state that the device is nonreusable. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on experience with, and personal knowledge of, the device. The Panel reviewed the literature on the device. In a typical study of 1,000 instances of laminaria use, there were no uterine perforations and only 4 cervical lacerations (Ref. 1). The device has occasionally migrated after insertion and broken up when removal was attempted (Ref. 2). After ethylene oxide gas sterilization, laminaria cervical dilators may be safely used. This device has been in use for a long time, and the Panel's experience indicates that sufficient data exist to develop a performance standard.

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. The risk of infection increases if the device migrates into the uterus. (b) Laceration of the cervix: If the device is not designed correctly, trauma to the cervix and possible subsequent infertility could occur.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that hygroscopic-laminaria cervical dilators be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide

reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Golditch, I. M. and M. H. Glasser, "The Use of Laminaria Tents for Cervical Dilation Prior to Vacuum Aspiration Abortion," *The American Journal of Obstetrics and Gynecology, 114:481–485, June 1974.*

2. Hanson, F. W., K. R. Niswander, and J. D. Trelfore, "Cervical Migration of Laminaria Tents," *The American Journal of Obstetrics and Gynecology,* 114:835–837, November 1972.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4260 as follows:

§ 884.4260 Hygroscopic-laminaria cervical dilator.

(a) *Identification.* A hygroscopic-laminaria cervical dilator is a device designed to dilate (stretch open) the cervix by cervical insertion of a conical and expansible material made from the root of a seaweed (laminaria digtata). The device is used to induce abortion.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–01147]

[FR Doc. 79–9450 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Vibratory Cervical Dilators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying vibratory cervical dilators into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of vibratory cervical dilators:

1. Identification: A vibratory cervical dilator is a device designed to enlarge the cervix by stretching it with a power-driven vibrating probe head. The device is used to gain access to the uterus or to induce abortion but is not to be used during labor.

2. Recommended classification: Class III (premarket approval). the Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that vibratory cervical dilators be classified into class III (premarket approval) because the Panel believes that it is not possible to establish an adequate performance standard for this device. The design characteristics of the device are such that a standard cannot be established now which would assure a safe, evenly distributed cervical dilation. Safer methods of cervical dilation are available that do not have the high risk of cervical tears and laceration associated with the use of vibratory dilators. Therefore, the device should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based is recommendation on experience with, and personal knowledge of, the device. The Panel reviewed the literature on the device and in a typical study of 50 patients, there were 3 failures to dilate and 3 patients with cervical tears (Ref. 1). The Panel believes that more data concerning these types of dilators are necessary before standards can be written.

5. Risks to health: (a) Laceration of the cervix: Appropriate design and materials are necessary to prevent trauma to the cervix and possible subsequent infertility. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (d) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commission agrees with the Panel recommendation and is proposing that vibratory cervical dilators be classified into class III (premarket approval). The Commissioner believes that the device is purported or represented to be for a use (cervical dilation) that is of substantial importance in preventing impairment of human health. The Commissioner believes the device presents a potential unreasonable risk of illness or injury because its safety and effectiveness have not been proven, and safer, alternate methods are currently available. The Commissioner believes that insufficient information exists to determine that several controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Ng, A. Y. H., "Use of the Vibro Dilator in Outpatient Termination of Pregnancy," *Australia and New Zealand Journal of Obstetrics and Gynecology*, 13:228–230, 1973.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.270 as follows:

§ 8844.4270 Vibratory cervical dilator.

(a) *Identification.* A vibratory cervical dilator is a device designed to enlarge the cervix by stretching it with a power-driven vibrating probe head. The device is used to gain access to the uterus or to induce abortion but is not to be used during labor.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1148]

[FR Doc. 79–9451 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Fetal Vacuum Extractors

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying fetal vacuum extractors into class II (performance standards). The FDA is also publishing the recommendation of the Obsterical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of fetal vacuum extractors:

1. Identification: A fetal vacuum extractor is an obstetric device used to facilitate delivery. It applies traction to the fetal head (in the birth canal) by means of a suction cup attached to the scalp and is powered by an external vacuum source. This generic type of device may include the vacuum source and vacuum control.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that fetal vacuum extractors be classifed into class II (performance standards) because the Panel believes that design standards are necessary to prevent excessive vacuum and consequent fetal trauma. The Panel recommends a calibrated vacuum control to minimize this hazard. The Panel believes that material standards are necessary to assure rigid tubing that will not collapse under vacuum. The material of the cup must be flexible and must readily conform to the shape of the fetal head. The Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that general controls alone will not provide sufficient controls over these characteristics. The Panel stated that this device should not be used in the case of a breech presentation. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on experience with, and personal knowledge of, the device and on a review of the literature on the device. Since the early 1950's, the vacuum extractor has been in wide use in many European countries with an associated decrease in pernatal mortality (Ref. 1). The Panel warns against applying the vacuum extractor for an excessive time and against developing the vacuum too quickly; either of these practices could cause fetal trauma. The Panel mentioned that use of this device presents less overall risk than forceps delivery and that most of the serious complications reported are associated with misuse of the vacuum extractor. The Panel noted that no brain damage or morbidity in infants extracted by vacuum has been reported, although the device may cause superficial scalp damage, for example, a cephalohematoma (blood cyst of the scalp).

5. Risks to health: (a) Adverse tissue reaction: Material in the device could result in a systemic or local tissue reaction when the device contacts the patient. (b) Trauma: A rigid vacuum cup, collapse of suction hose, or excessive vacuum in the device could result in a part of the device injuring the fetus.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that fetal vacuum extractors be classified into class II (performance standards.) The Commissioner has reviewed the Panel recommendation and has obtained additional data and information describing the application of vacuum extractors.

The Commissioner notes that careful choice of candidates for vacuum extraction and adherence to principles of application and traction technique are essential for reduction of incidence of fetal scalp trauma (Ref. 2). The Commissioner cautions that there is risk of fetal hemorrhage when use of the vacuum extractor follows fetal blood sampling (Ref 3). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by

interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Ott, W. J., "Vacuum Extraction," *Obstretical and Gyneological Survey*, 30:643–649, 1973.

2. Plauche, W. C., "Vacuum Extraction: Use in a Community Hospital Setting," *Obstetrics and Gynecology*, 52(3):289–293, September 1978.

3. Roberts, J. F. and M. Stone, "Fetal Hemorrhage: Complications of Vacuum Extractor after Fetal Blood Sampling," *American Journal of Obstetrics and Gynecology*, 132(1):109, September 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (seq. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4340 as follows:

§ 884.4340 Fetal vacuum extractor.

(a) *Identification.* A fetal vacuum extractor is an obstetric device used to facilitate delivery. It applies traction to the fetal head (in the birth canal) by means of a suction cup attached to the scalp and is powered by an external vacuum source. This generic type of device may include the vacuum source and vacuum control.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1149]

[FR Doc. 79–9452 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Obstetric Forceps

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric forceps into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of obstetric forceps:

1. Identification: An obstetric forceps is a device with two blades and handles. It is intended to grasp and apply traction to the fetal head in the birth passage and facilitate delivery.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that obstetric forceps be classified into class II (performance standards) because the Panel believes that to prevent trauma, material standards are necessary to assure appropriate surface finish and strength. The Panel believes that general controls alone will not provide sufficient control over this characteristic. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device, and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on experience with, and personal knowledge of, the device.

5. Risks to health: Trauma: Breakage, rough surface finish, or mechanical failure of the device could cause injury to the patient or the fetus.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric forceps be classified into class II (performance standards). The Commissioner notes that the use of forceps can cause many types of injury to both mother and baby (Ref. 1), in addition to the risks to health identified by the Panel. Many of these injuries result from errors in physicians' judgment, rather than characteristics of the device itself (Ref. 1).

The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Benson, R. C., *Current Obstetric and Gynecologic Diagnosis and Treatment*, 3d Ed., 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4400 as follows:

§ 884.4400 Obstetric forceps.

(a) *Identification.* An obstetric forceps is a device with two blades and handles. It is intended to grasp and apply traction to the fetal head in the maternal passage and facilitate delivery.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be

submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-1150]

[FR Doc. 79-9453 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Obstetric Fetal Destructive Instruments

AGENCY: Food and Drug Adminstration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric fetal destructive instruments into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of obstetric fetal destructive instruments:

1. Identification: An obstetric fetal destructive instrument is a device designed to crush or pull the fetal body to facilitate the delivery of a dead or anomalous (abnormal) fetus. The Panel includes in this generic type of device those devices identified as "cleidoclast," "cranioclast," "craniotribe," and "destructive hook."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that the obstetric fetal destructive instrument be classified into class II (performance standards) because the Panel believes that material standards are necessary to assure an adequate surface finish and appropriate tensile strength to prevent the hazards of trauma to the maternal vagina, cervix, or uterus. The Panel believes that general controls alone will not provide sufficient control over the characteristics of this device. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a performance standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. Obstetric fetal destructive instruments have been used for many years, but are not generally used in modern obstetrics. The Panel recommends that this device be used only in extensive circumstances where safer means of delivery are not possible.

5. Risks to health: (a) Laceration of the vagina, cervix, and uterus: If the materials or surface finish of this device are inadequate, injury or puncture of the maternal vagina, cervix, or uterus can result. (b) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric fetal destructive instruments be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4500 as follows:

§ 884.4500 Obstetric fetal destructive instrument.

(a) *Identification.* An obstetric fetal destructive instrument is a device designed to crush or pull the fetal body to facilitate the delivery of a dead or anomalous (abnormal) fetus. The Panel includes in this generic type of device those devices which were named cleidoclast, cranioclast, craniotribe, and destructive hook.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-1151]

[FR Doc. 79-9454 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Obstetric-Gynecologic General Manual Instruments

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric-gynecologic general manual instruments into class I (general controls). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class I. The effect of classifying a device into class I is to require that the device meet only the general controls

applicable to all devices. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1978. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of obstetric-gynecologic general manual instruments:

1. Identification: An obstetric-gynecologic general manual instrument is one of a group of devices used to perform simple obstetric and gynecologic manipulative functions. This generic type of device consists of the following:

Episiotomy scissors—a cutting instrument with two opposed shearing blades, used for surgical incision of the vulvar orifice for obstetrical purposes.

Fiberroptic metal vaginal speculum—a metal instrument, with fiberoptic light, used to expose the interior of the vagina.

Metal vaginal speculum—a metal instrument used to expose the interior of the vagina.

Umbilical scissors—a cutting instrument with two opposed shearing blades, used to cut the umbilical cord.

Uterine clamp—an instrument used to effect the compression of the uterus.

Uterine packer—an instrument used to introduce dressings into the uterus or vagina.

Vaginal applicator—an instrument used to insert medication into the vagina.

Vaginal retractor—an instrument used to maintain vaginal exposure by separating the edges of the vagina and holding back the tissue.

Gynecological fibroid hook—an instrument used to exert traction upon a fibroid.

Pelvimeter (external)—an instrument used to measure the external diameters of the pelvis.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that obstetric-gynecologic general manual instruments be classified into class I because their effectiveness can easily be determined by examination. General controls are sufficient to provide reasonable assurance of the safety and effectiveness of this generic type of device. Obstetric-gynecologic general manual instruments make no electrical contact with the patient and present no inherent hazards. The Panel originally made individual recommendations for episiotomy scissors, fiberoptic metal vaginal speculums, metal vaginal speculums, umbilical scissors, uterine clamps, uterine packers, vaginal applicators, vaginal retractors, gynecological fibroid hooks, and pelvimeters (external). Because it came to the same conclusion on each of these devices, the Panel recommended that those, and other substantially equivalent, devices be grouped in one category, for obstetric-gynecologic general manual instruments.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the devices. Obstetric-gynecologic general manual instruments have been used for many years. These devices are simple and present no risks to health. The effectiveness of their performance can be easily determined by examination. The Panel recommended that caution be used in making decisions about use of the vaginal applicator during pregnancy. If the vaginal applicator is reusable, an effective cleaning procedure should be specified, and the device should be appropriately packaged.

5. Risks to health: None identified.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric-gynecologic general manual instruments be classified into class I (general controls) with no exemptions because the Commissioner believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of these devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4520 as follows:

§ 884.4520 Obstetric-gynecologic general manual instrument.

(a) *Identification.* An obstetric-gynecologic general manual instrument is one of a group of devices used to perform simple obstetric and gynecologic manipulative functions. This generic type of device consists of the following:

(1) An episiotomy scissors is a cutting instrument, with two opposed shearing blades, used for surgical incision of the vulvar orifice for obstetrical purposes.

(2) A fiberoptic metal vaginal speculum is a metal instrument, with fiberoptic light, used to expose the interior of the vagina.

(3) A metal vaginal speculum is a metal instrument used to expose the interior of the vagina.

(4) An umbilical scissors is a cutting instrument, with two opposed shearing blades, used to cut the umbilical cord.

(5) A uterine clamp is an instrument used to effect the compression of the uterus.

(6) A uterine packer is an instrument used to introduce dressing into the uterus or vagina.

(7) A vaginal applicator is an instrument used to insert medication into the vagina.

(8) A vaginal retractor is an instrument used to maintain vaginal exposure by separating the edges of the vagina and holding back the tissue.

(9) A gynecological fiberoid hook is an instrument used to exert traction upon a fibroid.

(10) A pelvimeter (external) is an instrument used to measure the external diameters of the pelvis.

(b) *Classification.* Class I (general controls).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1152]

[FR Doc. 79–9455 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Obstetric-Gynecologic Specialized Manual Instruments

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric-gynecologic specialized manual instruments into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of obstetric-gynecologic specialized manual instruments.

1. Identification: An obstetric-gynecologic specialized manual instrument is one of a group of devices used during obstetric-gynecologic procedures to perform manipulative diagnostic and surgical functions (e.g., dilating, grasping, measuring, and scraping), where structural integrity is the chief criterion of device performance. This type of device consists of the following:

Amniotome—an instrument used to rupture the fetal membranes.

Circumcision clamp—an instrument used to compress the foreskin of the penis during circumcision of a male infant.

Umbilical clamp—an instrument used to compress the unbilical cord.

Uterine curette—an instrument used to scrape and remove material from the uterus.

Fixed-size cervical dilator—any of a series of bougies of various sizes used to enlarge the cervix by stretching.

Uterine elevator—an instrument inserted into the uterus used to lift and manipulate the uterus.

Gynecological surgical forceps—an instrument with two blades and handles used to pull, grasp, or compress during gynecological examination.

Cervical cone knife—a cutting instrument used to excise and remove tissue from the cervix.

Gynecological cerclage needle—a sharp looplike instrument used to suture.

Hook-type contraceptive intrauterine device (IUD) remover—an instrument used to remove an IUD from the uterus.

Gynecological fibroid screw—an instrument used to hold onto a fibroid.

Uterine sound—an instrument used to determine the depth of the uterus.

Cytological cervical spatula—a blunt instrument used to scrape and remove cytological material from the surface of the cervix or vagina.

Gynecological biopsy forceps—an instrument with two blades and handles used for gynecological biopsy procedures.

Uterine tenaculum—a hooklike instrument used to seize and hold the cervix or fundus.

Internal pelvimeter—an instrument used to measure the diameters and capacity of the pelvis within the vagina.

Nonmetal vaginal speculum—a nonmetal instrument used to expose the interior of the vagina.

Fiberoptic nonmetal vaginal speculum—a nonmetal instrument, with fiberoptic light, used to expose the interior of the vagina.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performace standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that obstetric-gynecologic specialized manual instruments be classified into class II (performance standards) because a design standard will assure that the structural properties of these devices, e.g., shape, are adequate for their safe and effective use. A material standard is necessary to assure an adequate surface finish and appropriate tensile strength, which could be responsible for tissue trauma. The Panel believes that materials used in the device should be biocompatible to prevent an adverse tissue reaction. The Panel also recommends that the method of sterilization of this device be stated in the device labeling. The Panel believes that general controls alone will not provide sufficient control over the characteristics mentioned above. The Panel originally made individual recommendations for the following devices: amniotome, circumcision clamp, umbilical clamp, uterine curette, fixed-size cervical dilator, uterine elevator, gynecological biopsy forceps, gynecological surgical forceps, cervical cone knife, gynecological cerclage needle, hook-type intra uterine contraceptive device remover, gynecological fibroid screw, uterine sound, cytological cervical spatula, nonmetal vaginal speculum, fiberoptic nonmetal vaginal speculum, uterine tenaculum, and internal pelvimeter. Because the Panel came to the same conclusion on each of these devices, the Panel recommended that those and other substantially equivalent devices be grouped in one category for obstetric-gynecologic specialized manual instruments. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device.

5. Risks to health: (a) Tissue damage: If the materials, surface finish, cleanliness, or form of this device are inadequate, damage to tissue can result. (b) Adverse tissue reaction: Material or substances in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (c) Infection: if the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric-gynecologic specialized manual instruments be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4530 as follows:

§ 884.4530 Obstetric-gynecologic specialized manual instrument.

(a) *Identification.* An obstetric-gynecologic specialized manual instrument is one of a group of devices used during obstetric-gynecologic procedures to perform manipulative diagnostic and surgical functions (e.g.,

dilating, grasping, measuring, and scraping), where structual integrity is the chief criterion of device performance. This type of device consists of the following:

(1) An amniotome is an instrument used to rupture the fetal membranes.

(2) A circumcision clamp is an instrument used to compress the foreskin of the penis during circumcision of a male infant.

(3) An umbilical clamp is an instrument used to compress the umbilical cord.

(4) A uterine curette is an instrument used to scrape and remove material from the uterus.

(5) A fixed-size cervical dilator is any of a series of bougies of various sizes used to enlarge the cervix by stretching.

(6) A uterine elevator is an instrument inserted into the uterus used to lift and manipulate the uterus.

(7) A gynecological surgical forceps is an instrument with two blades and handles used to pull, grasp, or compress during gynecological examination.

(8) A cervical cone knife is a cutting instrument used to excise and remove tissue from the cervix.

(9) A gynecological cerclage needle is a sharp looplike instrument used to suture.

(10) A hook-type contraceptive intrauterine device (IUD) remover is an instrument used to remove an IUD from the uterus.

(11) A gynecological fibroid screw is an instrument used to hold onto a fibroid.

(12) A uterine sound is an instrument used to determine the depth of the uterus.

(13) A cytological cervical spatula is a blunt instrument used to scrape and remove cytological material from the surface of the cervix or vagina.

(14) A gynecological biopsy forceps is an instrument with two blades and handles used for gynecological biopsy procedures.

(15) A uterine tenaculum is a hooklike instrument used to seize and hold the cervix or fundus.

(16) An internal pelvimeter is an instrument used to measure the diameters and capacity of the pelvis within the vagina.

(17) A nonmetal vaginal speculum is a nonmetal instrument used to expose the interior of the vagina.

(18) A fiberoptic nonmetal vaginal speculum is a nonmetal instrument, with fiberoptic light, used to expose the interior of the vagina.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1153]

[FR Doc. 79–9456 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Gynecologic Surgical Lasers

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying gynecologic surgical lasers into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of gynecologic surgical lasers:

1. Identification: A gynecologic surgical laser is a continuous wave carbon dioxide laser designed to destroy tissue thermally or to remove tissue by radiant light energy. This device is used only in conjunction with a colposcope as part of a gynecological surgical system. A colposcope is a magnifying lens system used to examine the vagina and cervix. The Panel considered this generic type of device under the name "gynecological surgical laser-powered instrument and accessories."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that gynecologic surgical lasers be classified into class II (performance standards) because the radiant energy of the laser must be controlled to prevent unintended burns, to allow precise laser beam manipulation, and to protect the operator's eyes from stray laser beam reflection. The Panel also believes that electrical safety standards are necessary to prevent electrical shock. The Panel makes this recommendation on the condition that the manufacturer make no claim with regard to eradication of premalignant or malignant lesions. The Panel noted that when this device is used with other devices, e.g., the colposcope, the combination must be compatible. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device. The Panel also reviewed the literature on the device and listed representative material. The carbon-dioxide laser has been in use for several years, and data presented to the Panel demonstrate that it is quite effective in destroying tissue (Refs. 1 and 2). The device must meet the laser safety performance standards of Part 1040 (21 CFR Part 1040). The current state of followup studies does not provide adequate data to demonstrate that laser-treated premalignant lesions do not recur.

5. Risks to health: (a) Burn: Poor design or incorrect application could result in tissue burns when the laser beam strikes tissue with

unintended intensity or without the necessary precision. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Unintended radiation: Malfunction of the shielding or structure of the control mechanism, allowing an escape of radiation greater than that needed for medical use, could result in severe tissue burns. The Panel notes further that users should use specially treated metal instruments to ensure safe heat dissipation. (d) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that gynecologic surgical lasers be classified into class II (performance standards). The Commissioner believes that many of the risks to health presented by the device are controlled by the performance standards for laser products in §§ 1040.10 and 1040.11 (21 CFR 1040.10 and 1040.11). These standards were promulgated under the Radiation Control for Health and Safety Act (42 U.S.C. 263b–n). There are, however, other risks presented by surgical lasers (e.g., electrical shock, and risks associated with use in combination with the colposcope) that are not controlled by the present performance standards. These other risks should be controlled in future supplemented standards promulgated under section 514 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d). The Commissioner believes that performance standards are necessary for this device because general controls by themselves are insufficient to control the risks to health. The present and future performance standards for surgical lasers would provide reasonable assurance of their safety and effectiveness. The Commissioner also believes that there is sufficient information to establish standards to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Morrow, C. P. and D. E. Townsend, "Management of Adenosis and Clear-Cell Adenocarcinoma of Vagina and Cervix," **The Journal of Reproductive Medicine**, 15:25–28, July 1975.

2. Stafl, A., E. J. Wilkinson, and R. F. Mattingly, "Laser Treatment of Cervical and Vaginal Neoplasia," **American Journal of Obstetrics and Gynecology**, 128:128–136, May 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4550 as follows:

§ 884.4550 Gynecologic surgical laser.

(a) *Identification.* A gynecologic surgical laser is a continuous wave carbon dioxide laser designed to destroy tissue thermally or to remove tissue by radiant light energy. The device is used only in conjunction with a colposcope as part of a gynecological surgical system. A colposcope is a magnifying lens system used to examine the vagina and cervix.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1154]

[FR Doc. 79–9457 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Obstetric Tables and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric tables and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation regarding the classification of the obstetric table and accessories:

1. Identification: An obstetric table is a device with adjustable sections used to support a patient in the various positions required during obstetric and gynecologic procedures. This generic type of device may include the following accessories: patient equipment, support attachments, and cabinets for warming instruments and disposing of wastes. The Panel includes in this generic type of device those devices identified as "AC-powered obstetric table and accessories," "manual obstetric table and accessories," and "lithotomy drape clip."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that the obstetric table and accessories be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure effective operation of the device with minimal danger. The mechanical design of these devices must allow manual override of powered moves and safe movement of parts without the risk of catching fingers in hinges and other moving parts. The Panel recommends electrical safety standards to minimize the hazards of electrical shock. The Panel believes that material standards are necessary to assure the device is strong enough to support the patient during typical

labor stresses. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the device.

5. Risks to health: (a) Trauma: Without appropriate mechanical safety and design considerations e.g., mechanical strength, guarded hinges, fail-safes, and overrides, the patient and operator face the risk of physical injury. (b) Electrical Shock: Malfunction of the device could result in electrical shock to the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric tables and accessories be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart E by adding new § 884.4900 as follows:

§ 884.4900 Obstetric table and accessories.

(a) *Identification.* An obstetric table is a device with adjustable sections designed to support a patient in the various positions required during obstetric and gynecologic procedures. This generic type of device may include the following accessories: patient equipment, support attachments, and cabinets for warming instruments and disposing of wastes.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated March 15, 1979.

William F Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78–1155]

[FR Doc. 79–9458 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Metreurynter-Balloon Abortion System

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying metreurynter-balloon abortion systems into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application as a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the clasification of metreurynter-balloon abortion systems:

1. Identification: A metreurynter-balloon abortion system is a device used to induce abortion. The device dilates the cervix by inflating a balloonlike dilator placed in the cervical canal. This generic type of device may include pressure sources and pressure controllers.

2. Recommended classification. Class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that the metreurynter-balloon abortion system be classified into class III (premarket approval) because the Panel believes that it is not possible to establish an adequate performance standard for the device. There is a lack of safety and effectiveness data to demonstrate the satisfactory performance of the device in the United States. Therefore, the device must be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the Panel members' familiarity with the device and a review of the literature on this device. Although journal articles discussing the use of this device in Japan indicate that it may be safe and effective (Refs. 1 and 2), the Panel believes that these data are inconclusive and that more studies need to be performed to establish the performance characteristics of the device. A standard textbook mentions that the device is rarely used because of potential trauma or infection, unpredictability, and the risk of a live-born fetus (Ref. 3).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Trauma, laceration, hemorrhage, and perforation: Poor design of the device could cause uneven dilation of the cervix causing injury to the patient. (c) Adverse tissue reaction: Material or substances in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient's cervix. (d) Unnecessary medical procedures: Loss of the device could result in an otherwise unnecessary medical procedure to recover the device from the uterus.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that metreurynter-balloon abortion system devices be classified into class

III (premarket approval). The Commissioner has reviewed the Panel's recommendation and has obtained additional data and information describing the application of the metreurynter-balloon abortion system. An important summary monograph (Ref. 4) lists three major disadvantages of the device, and of the modified version of the device being investigated in the United States: (1) Increased risk of infection, (2) prolonged confinement, and (3) high incidence of live births. The review concludes "that knowledge is still deficient regarding both the natural process and induced procedures" of cervical dilatation.

The Commissioner believes that the device is purported or represented to be for a use (pregnancy termination) that is of substantial importance in preventing impairment of human health. The Commissioner also believes that the device presents a potential unreasonable risk of illness or injury because it may not be effective and may therefore cause serious harm. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Manable, Y. and A. Nakajima, "Laminaria Metreurynter Method of Midterm Abortion in Japan," *Obstetrics and Gynecology*, 40:612–615, 1972.

2. Manable, Y. et al., "Uterine Contractility and Placental Histology in Abortion by Laminaria and Metreurynter," *Obstetrics and Gynecology*, 41:753–759, 1973.

3. Benson, R. C., "Current Obstetric and Gynecologic Diagnosis and Treatment," Lange Medical Publications, Los Altos, Calif., 1976, pp. 840–841.

4. Population Reports, "Pregnancy Termination," Series F, Nos. 5 and 6, The George Washington University Medical Center, Washington, DC, 1976–1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 by adding new Subpart F and § 844.5050 to read as follows:

Subpart F—Obstetrical and Gynecological Therapeutic Devices

§ 884.5050 Metreurynter-balloon abortion system.

(a) *Identification.* A metreurynter-balloon abortion system is a device used to induce abortion. The device dilates the cervix by inflating a ballonlike dilator placed in the cervical canal. This generic type of device may include pressure sources and pressure controllers.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1156]

[FR Doc. 79–9459 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Vacuum Abortion Systems

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying vacuum abortion systems into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Admendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of vacuum abortion systems:

1. Identification: A vacuum abortion system is a device designed to aspirate transcervically the products of conception or menstruation from the uterus by using a cannula connected to a suction source. The device is used for pregnancy termination or menstrual regulation. This type of device may include the aspiration cannula, the vacuum source, and the vacuum controller. The Panel includes in this generic type of device those devices identified as "uterine suction cannula," "vacuum abortion unit controller," "vacuum abortion unit source," and "vacuum abortion unit system."

2. Recommended classification: Class II (performance standard). The Panel recommends that establishing a performance standard for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that vacuum abortion systems be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure safe and effective uterine suction. These design standards would (1) limit the suction cannula diameter to prevent unnecessary cervical dilation, (2) assure appropriate calibration so that adequate suction pressure is within safety limits when applied, (3) incorporate a fail-safe mechanism to prevent excessive uterine pressure or vacuum, and (4) place the suction control on the handgrip to permit ease of handling to prevent uterine trauma. Because the vacuum abortion system is electrically powered, the Panel recommends that electrical safety standards be required to minimize the hazards of electrical shock. The Panel believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel also believes that a material standard is necessary to assure appropriate rigidity of the suction cannula so

that the cannula is flexible enough to prevent uterine trauma yet rigid enough not to collapse under vacuum. The Panel believes that general controls alone would not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of the device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel members based their recommendation on extensive experience with this abortion system and their review of the literature on the device. Many abortions using a vacuum abortion system have been performed in the United States, especially since the Supreme Court's decision in *Roe* v. *Wade*, 410 U.S. 113(1973), which invalidated many State restrictions on abortions. Reference articles report the need for a flexible cannula with a small diameter to reduce the risk of perforation (Refs. 1 and 2). Complications blamed on malfunction of the vacuum system have been documented; these show the necessity of failsafe mechanisms (Refs. 3 and 4).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Laceration, perforation, or trauma: The patient could be injured by unnecessary cervical dilation, excessive vacuum, or material abrasions. (d) Adverse tissue reaction: Material used in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that vacuum abortion systems be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device. The Commissioner is aware of the considerable body of data on abortion complications. These complications are basically determined by the duration of pregnancy and can be minimized by the use of proper abortion systems (Ref. 5).

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 5 p.m., Monday through Friday.

1. Young, P. E., "Abortion and Menstrual Extraction for the Ambulatory Patient," *Clinical Obstetrics and Gynecology*, 17:277–290, 1974.

2. Edelman, D. A., W. E. Brenner, and G. S. Berger, "The Effectiveness and Complications of Abortion by Dilatation and Vacuum Aspiration Versus Dilatation and Rigid Metal Curettage," *American Journal of Obstertics and Gynecology*, 119:473–480, 1974.

3. Kerslake, D. and D. Casey, "Abortion Induced by Means of the Uterine Aspirator," *Obstetrics and Gynecology*, 30:35–45, 1967.

4. Munsick, R., "Air Embolism and Maternal Death from Therapeutic Abortion," *Obstetrics and Gynecology*, 39:688–689, 1972.

5. Population Report, "Pregnancy Termination," Series F:Nos. 1 to 6, The George Washington University Medical Center, Washington, DC, 1973–1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5070 as follows:

§ 884.5070 Vacuum abortion system.

(a) *Identification.* A vacuum abortion system is a device designed to aspirate transcervically the products of conception or menstruation from the uterus by using a cannula connected to a suction source. This device is used for pregnancy termination or menstrual regulation. This type of device may include aspiration cannula, vacuum source, and vacuum controller.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78–1157]

[FR Doc. 79–9460 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Obstetric Anesthesia Sets

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying obstetric anesthesia sets into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation regarding the classification of obstetric anesthesia sets:

1. Identification: An obstetric anesthesia set is an assembly of antiseptic solution, needles, needle guides, syringes, and other accessories, intended for use with an anesthetic drug. This device is used to administer regional blocks (e.g., paracervical, uterosacral, and pudendal), that may be used during labor, delivery, or both. The Panel includes in this generic type of device those devices identified as "paracervical

anesthesia set" and "pudendal anesthesia set."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that obstetric anesthesia sets be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure the appropriate length and gauge of the needles and needle guides to prevent hemorrhage and misapplication. The Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent adverse tissue reaction. The Panel believes that material standards are necessary to assure an adequate surface finish and appropriate tensile strength to prevent trauma to tissue, damage to the cervix, and hemorrhage. The Panel recommends that the method of sterilization be stated in the device labeling. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on extensive experience with these obstetric anesthesia sets. The Panel members also reviewed the literature on the device which indicates appropriate specifications, indications, and other aspects of obstetric anesthesia (Ref. 1).

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection.

(b) Trauma, hemorrhage, and perforation: Inappropriate length or gauge of the needles and guides or breakage of the device could result in patient or fetus trauma, hemorrhage, and perforation.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that obstetric anesthesia sets be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained other data and information describing the application of obstetric anesthesia sets. The practicality and safety of regional anesthesia, such as lumbar and caudal epidural blocks, subarachnoid blocks, lumbar sympathetic blocks, spinal anesthesia, paracervical blocks, and pudendal blocks, depends more upon the knowledge and skill of the physician and on the characteristics of the anesthesia used than upon the characteristics of obstetric anesthesia sets (Ref. 2). Spinal, caudal, and other anesthesia blocks are procedures requiring scrupulous preparation and aseptic techniques. The Commissioner believes that a performance standard is necessary for obstetric anesthesia sets because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Moore, Daniel C., "Regional Block," 4th Ed., Charles C. Thomas Publisher, Springfield, Ill., 1965.

2. McDonald, John S., "Obstetric Analgesia and Anesthesia," *in* "Current Obstetric and Gynecologic Diagnosis and Treatment," 2d Ed., Edited by Benson, R. C., Lange Medical Publications, Los Altos, CA, pp. 595–618, 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 844.5100 as follows:

§ 884.5100 Obstetric anesthesia set.

(a) *Identification.* An obstetric anesthesia set is an assembly of antiseptic solution, needles, needle guides, syringes, and other accessories, intended for use with an anesthetic drug. This device is used to administer regional blocks (e.g., paracervical, uterosacral, and pudendal) that may be used during labor, delivery, or both.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1158]

[FR Doc. 79–9461 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Nonpowered Breast Pumps

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying nonpowered breast pumps into class I (general controls). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class I. The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of nonpowered breast pumps.

1. Identification: A nonpowered breast pump is a manual suction device used for postpartum extraction of milk from the breast.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that nonpowered breast pumps be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of this device. This simple device presents no risk to health and the user can easily determine, by examination, whether the device is effective. There have been no reports that the material in the device has caused an adverse tissue reaction.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, the manual breast pump. The device has been in use for many years.

5. Risks to health: Adverse tissue reaction: Material in the device could cause a local adverse tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that nonpowered breast pumps be classified into class I (general controls) with no exemptions because the Commissioner believes that these controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5150 as follows:

§ 884.5150 Nonpowered breast pump.

(a) *Identification.* A nonpowered breast pump is a manual suction device used for postpartum extraction of milk from the breast.

(b) *Classification.* Class I (general controls).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1159]

[FR Doc. 79–9462 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21CFR Part 884]

Classification of Powered Breast Pumps

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying powered breast pumps into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of powered breast pumps:

1. Identification: A powered breast pump is an electrically powered suction device used for postpartum extraction of milk from the breast.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that powered breast pumps be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure a standardized pressure control to prevent excessive suction pressure that might cause trauma to the nipple and breast. The Panel recommends that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel also recommends that electrical safety standards be required to minimize the hazards of electrical shock. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel recommends that the device labeling state: "excessive and prolonged use may cause injury to nipples". The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, powered breast pumps.

5. Risks to health: (a) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (b) Trauma: Failure to control excessive pressure of the device could result in injury to the patient's breasts and nipples. (c) Adverse tissue reaction: Materials in the device could result in a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that powered breast pumps be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls alone are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5160 as follows:

884.5160 Powered breast pump.

(a) *Identification.* A powered breast pump is an electrically powered suction device used for postpartum extraction of milk from the breast.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1160]

[FR Doc. 79–9463 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Cervical Caps

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying cervical caps into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, make the following recommendation with respect to the classification of cervical caps:

1. Identification: A cervical cap is a flexible cuplike receptacle that fits over the cervix to collect menstrual flow or to aid artificial insemination. This generic type of device is not to be used as a contraceptive.

2. Recommended classification: Class II (performance standards). the Panel recommends that establishing a performance standard for this device be a low prioritty.

3. Summary of reasons for recommendation. The Panel recommends that cervical caps be classified into class II (performance standards) because the Panel believes that material standards are necessary to assure appropriate flexibility and rigidity of the materials used in the cervical cap to prevent trauma and laceration of the cervix. The Panel also states that this material should be biocompatible with the vaginal tissues to prevent adverse tissue reaction. The Panel notes that the cervical cap is not indicated as a contraceptive agent because its effectiveness for this use has not been proven in the United States. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, this device and the absence of adverse reports about cervical caps.

5. Risks to health: (a) Trauma: Rough edges of the device could result in injury to the patient's vagina or cervix. (b) Adverse tissue reaction: Material in the device could cause a local tissue or systemic reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the panel recommendation and is proposing that cervical caps be classified into class II (performance standards). The Commissioner also agrees with the Panel that there is a lack of effectiveness data on use of the cervical cap as a contraceptive agent in the United States (Ref. 1). The Commissioner believes that a performance standard is necessary for this device because general contols by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Population Reports, Series H, No. 4; "Barrier Methods," The George Washington Medical Center, Washington, DC, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5250 as follows:

§ 884.5250 Cervical cap.

(a) *Identification.* A cervical cap is a flexible cuplike receptacle that fits over the cervix to collect menstrual flow or to aid artificial insemination. This generic type of device is not be used as a contraceptive.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1161]

[FR Doc. 79–9464 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Abdominal Decompression Chambers

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying abdominal decompression chambers into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of abdominal decompression chambers:

1. Identification: An abdominal decompression chamber is a hoodlike device used to reduce pressure on the pregnant patient's abdomen for the relief of abdominal pain during pregnancy or labor.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that abdominal decompression chambers be classified into class III (premarket approval) because satisfactory performance has never been demonstrated. This device is used primarily in foreign countries. The modality and the design of the device are not well understood. Therefore, the device must be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, this device. The Panel considers this device to be ineffective. Additionally, the Panel found no literature available to supply adequate clinical data supporting any claim of effectiveness. The consensus of the Panel was that any data which might be developed would support an action to ban the device because its risks outweigh its benefits.

5. Risks to health: (a) Difficult patient management: The device is cumbersome and covers the abdominal area of the patient, thus blocking the physician from examining the patient. (b) Supine hypotension: Because the patient is required to lie on her back, the possibility of induced low blood pressure and consequent complications exists.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that abdominal decompression chambers be classified into class III (premarket approval). Even though this device is in use, valid scientific data are lacking to support its safe and effective use.

The Commissioner believes that the device is purported or represented to be for a use (relief of pain) that is of substantial importance in preventing impairment of human health. The Commissioner believes that the device presents a potential unreasonable risk of illness or injury because its effectiveness is not proven and harm, such as cardiac complications, may result. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5225 as follows:

§ 884.5225 Abdominal decompression chamber.

(a) *Identification.* An abdominal decompression chamber is a hoodlike device used to reduce pressure on the pregnant patient's abdomen for the relief of abdominal pain during pregnancy or labor.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1162]

[FR Doc. 79–9465 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Condoms

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying condoms into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel and the General Hospital and Personal Use Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305),

Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel and the General Hospital and Personal Use Device Classification Panel, FDA advisory committees, made the following recommendation with respect to the classification of condoms:

1. Identification: A condom is a sheath which completely covers the penis with a closely fitting membrane. The condom is used for contraception and for prophylactic purpose (preventing transmission of veneral disease). The device may also be used to collect seminal fluid to aid in the diagnosis of infertility. The Panel considered this generic type of device under the name contraceptive condom ("rubber"). The General Hospital and Personal Use Device Classification Panel considered this device with respect to its prophylactic use.

2. Recommended classification: Class II (performance standards). The Panels recommend that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The General Hospital and Personal Use Device Classification Panel and the Obstetrical and Gynecological Device Classification Panel recommend that condoms be classified into class II (performance standards) because materials in the device that come in contact with the penis or vagina should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panels believe material standards are necessary to assure the membrane integrity and elasticity of the condom to prevent unwanted pregnancy. The Panels believe that general controls alone will not provide sufficient control over these characteristics. The Panels also recommend that proper instructions concerning use, proper size, and shelf life (expiration date) of the device be stated in the device labeling. The Panels believe that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on the extensive experience with, and widespread use of, condoms for many years. The use, safety, and effectiveness of the device is well documented. (Ref. 1). In addition, there are existing manufacturers' association standards for this device.

5. Risks to health: (a) Venereal disease: If the device leaks or breaks, it may permit the passage of microorganisms that could cause infection. (b) Adverse tissue reaction: Material or substances in the device could cause a local tissue or systemic reaction when the device comes in contact with the patient or his partner. (c) Unwanted pregnancy: If the device leaks or breaks, it may permit the passage of sperm that could result in pregnancy.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that condoms be classified into class II (performance standards). The Commissioner believes that performance standards are necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (HFA–305), Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Population Reports, Series H, Nos. 1 and 2, "Barrier Methods," The George Washington University Medical Center, Washington, DC, 1973–1974.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5300 as follows:

§ 884.5300 Condom.

(a) *Identification.* A condom is a sheath which completely covers the penis with a closely fitting membrane. The condom is used for contraception and for prophylactic purposes (preventing transmission of venereal disease). The device may also be used to collect seminal fluid to aid in the diagnosis of infertility.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1978 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockille, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1163]

[FR Doc. 79-9468 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Contraceptive Diaphragms and Accessories

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying contraceptive diaphragms and accessories into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classsification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of contraceptive diaphragms and accessories:

1. Identification: A contraceptive diaphragm is a closely fitting membrane placed between the posterior aspect of the pubic bone and the posterior vaginal fornix. The device covers the cervix completely an is used to prevent pregnancy. This generic type of device may include an introducer and other accessories. The Panel includes in this generic type of device those devices identified as "contraceptive diaphragm" and "contraceptive diaphragm introducer."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that the contraceptive diaphragm and accessories be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure the correct shape. A material standard is also necessary to assure the rigidity and flexibility necessary to maintain that shape and to allow a close cervical fit. The Panel recommends that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that device labeling state "to be used with spermicidal jelly or cream; refitting needed with weight loss or gain of 10 pounds or subsequent pregnancy," and the shelf life (expriation date) and date of manufacture. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, these contraceptive diaphragms. These devices have been in use for a long time. Their use is described in most textbooks (Ref. 1).

5. Risks to health: (a) Trauma, hemorrhage, and perforation: The form, finish, or structure of the device could result in injury to the patient. (b) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (c) Unwanted pregnancy: Failure of the device could result in pregnancy if the device breaks or leaks.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that contraceptive diaphragms and accessories be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also includes a review article on the diaphragm and other intravaginal barrier contraceptives, describing their methods of use and effectiveness (Ref. 2).

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Greenhill, J. C., "Office Gynecology," 9th Ed., Year Book Medical Publishers, Inc., 1971.

2. Population Reports, "Barrier Methods," Series H, No. 4, The George Washington University Medical Center, Washington, DC, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5350 as follows:

§ 884.5350 Contraceptive diaphragm and accessories.

(a) *Identification.* A contraceptive diaphragm is a closely fitting membrane placed between the posterior aspect of the public bone and the posterior vaginal fornix. The device covers the cervix completely and is used to prevent pregnancy. This generic type of device may include an introducer and other accessories.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commisioner for Regulatory Affairs.

[Docket No. 78N–1164]

[FR Doc. 79–9467 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Contraceptive Intrauterine Devices (IUD) and Introducers

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying contraceptive intrauterine devices (IUD) and introducers into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological

Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of contraceptive intrauterine devices (IUD) and introducers:

1. Identification: A contraceptive intrauterine device (IUD) and introducer is a device that is placed high in the uterine fundus with a string extending from the uterus into the vagina and is used to prevent pregnancy. This generic type of device does not include products that function by drug activity, which are subject to the new drug provisions of the Federal Food, Drug, and Cosmetic Act.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that contraceptive intrauterine devices and their introducers be classified into class III (premarket approval) because the device is an implant. The device is inserted into a naturally formed cavity of the body and is intended to remain in the body for an indefinite period of time. The Panel believes that the device is a relatively safe and reliable means of contraception; however, accumulated evidence shows the need to evaluate the potential hazards of IUD's. Because the safety and effectiveness of the device depend on its design, the Panel members conclude that it is not possible to establish an adequate performance standard for this generic type of device. Therefore the device must be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on familiarity with the device and a review of the literature. The Panel and the Obstetrical and Gynecological Advisory Committee of the Bureau of Drugs prepared "The Report of Safety and Efficacy of the Dalkon Shield and Other IUD's" (Ref. 1). The Panel members reviewed the literature on the device and the FDA contract report, "Review and Analysis of the Scientific and Clinical Data on the Safety, Efficacy, Adverse Reactions, Biologic Action, Utilization, and Design of Intrauterine Devices" (Ref. 2). The Panel also reviewed and endorsed FDA's regulation on "Intrauterine Contraceptive Devices; Professional and Patient Labeling," published in the **Federal Register** of May 10, 1977 (42 FR 23772). The Panel members recommend that FDA amend the IUD labeling requirements to warn patients of the potential hazard of future infertility resulting from pelvic inflammatory disease.

5. Risks to health: (a) Pelvic inflammatory disease: Women who wear an IUD have a greater chance of developing pelvic inflammatory disease (PID) than nonusers. PID is a group of several pelvic infections that may infect the uterus, the fallopian tubes, and the ovaries. Symptoms of pelvic infection can include pelvic or abdominal pain, increasing pain with intercourse and menstruation, irregular bleeding (spotting, flooding, or passing clots), abnormal vaginal discharge, and occasional chills and fever. Furthermore, pelvic infection can seriously interfere with or prevent a woman's ability to become pregnant, especially if the tubes are affected by PID and become sufficiently scarred. (b) Perforation: Partial or total perforation of the uterine wall or cervix may occur with the use of IUD's. Foreign body reactions, peritonitis, adhesions, and intestinal obstructions may result if an IUD is left in the peritoneal cavity. Removal of an IUD which has perforated the uterus or cervix may require abdominal surgery including hysterectomy. (c) Ectopic (extrauterine) pregnancy: An IUD will not prevent a life-threatening ectopic pregnancy. (d) Abnormal menstrual pattern: An IUD user may develop an abnormal menstrual pattern, which may include delayed menstruation, intermittent spotting, prolonged or heavy menstrual flow, or unusual cramps. (e) Spontaneous abortion or miscarriage: When conception occurs, the incidence of spontaneous abortion is increased for IUD users. Spontaneous abortion is often accompained by serious hemorrhaging and may require hospitalization and transfusion. (f) Septic abortion: Reports have shown an increased incidence of septic abortion in patients becoming pregnant with an IUD in place. This condition is associated in some instances with septicemia, septic shock, and death. (g) Septicemia (blood poisoning): Infection associated with PID or septic abortion may result in septicemia. (h) Cervical infection: A woman who wears an IUD may develop a cervical infection. (i) Vaginal infection: A woman who wears an IUD may develop a vaginal infection. (j) Cysts of the ovaries and tubes: A woman who wears an IUD may develop a cyst on her ovaries and/or fallopian tubes. (k) Anemia: A woman who wears an IUD may develop anemia due to excessive loss of blood. (l) Complete or partial expulsion: The IUD may be expelled, either partially or totally, resulting in loss of contraception. (m) Embedment or difficult removal: If the IUD is difficult to remove, either because of partial penetration or lodging of the IUD in the endometrium or because of other reasons, surgery may be required to remove it. (n) Fragmentation: The IUD may fragment and initiate inflammatory responses. (o) Backache: An IUD user may develop backaches. (p) Unwanted pregnancy: Failure of the IUD could result in an unwanted pregnancy.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that contraceptive intrauterine devices (IUD) and introducers be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and recent literature describing the safety and effectiveness of IUD's (Refs. 3 and 4). The Commissioner believes that the device is purported or represented to be for a use (prevention of pregnancy) that is of substantial importance in preventing impairment of human health. He believes that the device also presents a potential unreasonable risk of illness or injury to the patient if there are not adequate data to assure the safe and effective use of this device. Furthermore, the device is an implant which the Federal Food, Drug, and Cosmetic Act requires to be classified into class III unless the Commissioner determines that premarket approval is not necessary to provide reasonable assurance of a device's safety and effectiveness. In this case, the Commissioner believes that premarket approval is necessary for the device because general controls and performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is insufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

The Commissioner agrees with the Panel that the IUD labeling requirements should be amended to warn patients of the potential hazard of future infertility resulting from pelvic inflammatory disease. The Commissioner intends to implement the Panel's recommendation in a future proposal in the **Federal Register**. The proposal will also improve the agency's ability to assure that new information on IUD's is made available to the public promptly. Additional references relating to intrauterine devices are on file with the Hearing Clerk under Docket No. 75N-0122, "Intrauterine Contraceptive Devices; Professional and Patient Labeling," which was published in the **Federal Register** of May 10, 1977 (42 FR 23772).

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. "Report of Safety and Efficacy of the Dalkon Shield and Other IUD's"; ad hoc Obstetrical and Gynecological Advisory Committee, Bureau of Drugs, Food and Drug Administration, October 29–30, 1974.

2. "Review and Analysis of the Scientific and Clinical Data on the Safety, Efficacy, Adverse Reactions, Biological Action, Utilization, and Design of Intrauterine Devices," Battelle Memorial Institute, Human Affairs Research Centers, August 11, 1975.

3. "Intrauterine Devices: An Invitational Symposium," A. Scommegna, Guest Editor, *The Journal of Reproductive Medicine*, 20:119–182, 1978.

4. Vessey, M. P., B. Johnson, R. Doll, and R. Peto, "Outcome of Pregnancy in Women

Using an Intrauterine Device," *The Lancet*, 1:495–498, March 1974.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5360 as follows:

§ 884.5360 Contraceptive intrauterine device (IUD) and introducer.

(a) *Identification.* A contraceptive intrauterine device (IUD) and introducer is a device that is placed high in the uterine fundus with a string extending from the uterus into the vagina and is used to prevent pregnancy. This generic type of device does not include products that function by drug action, which are subject to the new drug provisions of the Federal Food, Drug, and Cosmetic Act.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1165]

[FR Doc. 79–9468 Filed 4–2–79; 8:45 am]
BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Contraceptive Tubal Occlusion Devices (TOD) and Introducers

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying contraceptive tubal occlusion devices (TOD) and introducers into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of contraceptive tubal occlusion devices (TOD) and introducers:

1. Identification: A contraceptive tubal occlusion device (TOD) and introducer is a device designed to close the fallopian tubes with a mechanical structure, e.g., a band or clip on the outside of the fallopian tubes or a plug or valve on the inside, that is used to prevent pregnancy. The Panel includes in this generic type of device those devices identified as "tubal occlusion band," "tubal occlusion clip," "tubal occlusion insert," and "tubal occlusion valve."

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval for this device be a high priority.

3. Summary of reasons for recommendation: The Panel recommends that tubal occlusion devices and introducers be classified into class III (premarket approval) because the TOD is an implant. It is inserted in, or attached to, the fallopian tubes and is intended to remain in the body for an indefinite period of time. The Panel believes that there are insufficient data to establish an adequate performance standard for the design of a TOD and the long-term safety and effectiveness of the device. Failure of the device to close completely the fallopian tube could result in unwanted pregnancy or life-threatening ectopic (extrauterine) pregnancy. Furthermore, because the safety and effectiveness of the TOD depends on the design, the Panel concludes that it is not possible to establish an adequate performance standard for this generic type of device. Therefore, the device and its introducer should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness. The Panel stresses the need to study the tubal occlusion device and its introducer as an integral system to determine its safety and effectiveness. The Panel also recommends that the labeling state that the device is contraindicated in a patient with pelvic inflammatory disease or significant adnexal pathology (disease of uterine tubes or ovaries).

4. Summary of data on which the recommendation is based: The Panel based its recommendation on information presented by experts to the Panel's Conception Control Devices Subcommittee (Ref. 1) and the Panel's review of the literature (Refs. 2, 3, and 4). One monograph concludes that large, long-term, randomized comparative studies are required to determine rates of failure and subsequent gynecological problems (Ref. 3). Although results of one study comparing the tubal ring procedure and electrocoagulation indicate that sterilization by tubal ring is safe and easy to perform, long-term comparative studies are needed "to evaluate the failure rates, changes in menstrual patterns, and the incidence of future gynecologic abnormalities" (Ref. 5). The Panel concluded that long-term safety and effectiveness have not been determined for any devices of this generic type.

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Trauma or perforation: Breakage of the device could cause a part of the device to injure or puncture the patient's tissues and organs. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes into contact with the patient. (d) Bowel obstruction: Improper design of the device could result in bowel obstruction if the device migrates from the fallopian tubes. (e) Unwanted pregnancy or ectopic (extrauterine) pregnancy: Unwanted pregnancy or life-threatening ectopic pregnancy may occur if the device fails to close the tubes permanently.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that tubal occlusion devices (TOD) and introducers be classified into class III (premarket approval). The Commissioner believes that the device is purported or represented to be for a use (female sterilization) that is of substantial importance in preventing

impairment of human health. The Commissioner reviewed a recent survey of available TOD equipment and procedures that indicates that bleeding associated with the use of tubal occlusion rings sometimes requires electrocoagulation, or even laparotomy, to achieve hemostasis (Ref. 6). The device is intended to be implanted into the human body. Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) requires the Commissioner to classify an implant into class III unless the Commissioner determines that premarket approval is not necessary to provide reasonable assurance of the device's safety and effectiveness. In this case, the Commissioner has determined that premarket approval is necessary. The Commissioner believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

References

1. Summary Minutes of the Second Meeting of the Conception Control Subcommittee of the Obstetric and Gynecologic Device Classification Panel, June 1976.

2. Hulka, J. F., "Studies in Simpler Tubocclusion Methods," *American Journal of Obstetrics and Gynecology*, 122:337–348, 1975.

3. Brenner, W. E. and D. A. Edelman, "Early Complications of Sterilization in Women Who Have Not Recently Been Pregnant," *Surgical Gynecology and Obstetrics*, 140:69, 1975.

4. Brenner, W. E. et al., "Laparoscopic Sterilization with Electrocautery, Spring-Loaded Clips, and Silastic Bands—Technical Problems and Early Complications," unpublished paper.

5. Kwak, H. M., C. H. Song, A. Saba, "Laparoscopic Sterilization by Tubal Ring and Electrocoagulation," presented at the Second International Congress of Gynecologic Endoscopy of the International Fertility Research Program, Las Vegas, NV, 1975.

6. Population Reports, "M/F Sterilization Equipment," Special Topic Monographs (1), The George Washington University Medical Center, Washington, DC, Sept. 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540—546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5380 as follows:

§ 884.5380 Contraceptive tubal occlusion device (TOD) and introducer.

(a) *Identification.* A contraceptive tubal occlusion device (TOD) and introducer is a device designed to close the fallopian tubes with a mechanical structure, e.g., a band or clip on the outside of the fallopian tubes or a plug or valve on the inside, that is used to prevent pregnancy.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated March 15, 1979.

William F Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1166]

[FR Doc. 79–9469 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Perineal Heaters

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying perineal heaters into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of perineal heaters:

1. Identification: A perineal heater is a device designed to apply heat directly by contact, or indirectly from a radiant source, to the surface of the perineum (the area between the vulva and the anus) and is used to soothe or to help heal the perineum after an episiotomy (incision of the vulvar orifice for obstetrical purposes). The Panel includes in this generic type of device those devices identified as "direct contact perineal heaters" and "noncontact radiant perineal heaters."

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that perineal heaters be classified into class II (performance standards) because the Panel believes that design standards are necessary to incorporate fail-safe mechanism and a timer to control the thermal emission of the heater which, by excessive temperature or overexposure, could burn the perineal surface (pelvic floor). The Panel believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel also recommends that electrical safety standards be required to minimize the hazards of electrical shock. The Panel believes that general controls will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and experience with, these heaters. These devices have been in use for a long time. The device hazards and performance characteristics are well understood.

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns. (b) Electrical shock:

Malfunction of the device could result in electrical shock to the patient. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that perineal heaters be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5390 as follows:

§ 884.5390 Perineal heater.

(a) *Identification.* A perineal heater is a device designed to apply heat directly by contact, or indirectly from a radiant source, to the surface of the perineum (the area between the vulva and the anus) and is used to soothe or to help heal the perineum after an episiotomy (incision of the vulvar orifice for obstetrical purposes).

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1167]

[FR Doc. 79–9470 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Menstrual Cups

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying menstrual cups into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the Office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of menstrual cups:

1. Identification: A menstrual cup is a receptacle placed in the vagina to collect menstrual flow.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary for reasons for recommendation: The Panel recommends that menstrual cups be classified into class II (performance standards) because the Panel believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that standards are necessary to assure that the device is readily cleanable to prevent the introduction of microorganisms which could cause infection. The Panel also believes that material standards are necessary to assure an adequate surface finish to prevent trauma. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on personal knowledge of, and clinical experience with, menstrual cups.

5. Risks to health: (a) Infection: If the device is not properly cleaned, it may introduce microorganisms that could cause infection. (b) Trauma, hemorrhage, perforation: Failure of the support structure of the device could result in injury to the patient. (c) Adverse tissue reaction: Material in the device could cause a local tissue or systemic reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that menstrual cups be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5400 as follows:

§ 884.5400 Menstrual cup.

(a) *Identification.* A menstrual cup is a receptacle placed in the vagina to collect menstrual flow.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may

submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-1168]

[FR Doc. 79-9471 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Scented Deodorized Menstrual Pads

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying scented deodorized menstrual pads into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classifeed into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of scented deodorized mentrual pads:

1. Identification: A scented deodorized menstrual pad is an obsorbent cotton or synthetic material pad with fragrant chemicals added for the purpose of deodorizing or for esthetic purposes. The device is used to absorb menstrual or other vaginal discharge. This generic type of device does not include devices with added drugs or antimicrobial agents.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that scented deodorized menstrual pads be classified into class II (performance standards) because the Panel believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that general controls alone will not provide sufficient control over this characteristic. The Panel also recommends that the caution, "Discontinue use of sensitivity or irritation occurs" be stated in the device labeling and be prominently displayed on the front of the package. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on clinical experience with these pads. The Panel reviewed the complaint file of the only manufacturer of this device at the time of its meeting (November 23, 1976). The complaints dealt with irritation associated with the cosmetic used for deodorizing.

5. Risks to health: Adverse tissue reaction: Materials in the device could cause a systemic of local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that scented deodorized menstrual pads be classified into class II (performance standards). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safey and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5425 as follows:

§ 884.5425 Scented deodorized menstrual pad.

(a) *Identification.* A scented deodorized menstrual pad is an absorbent cotton or synthetic material pad with fragrant chemicals added for the purpose of deordorizing. The device is used to absorb menstrual or other vaginal discharge. This generic type of device does not include devices with added drugs or antimicrobial agents.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-1169]

[FR Doc. 79-9472 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Untreated Menstrual Pads

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying untreated menstrual pads into class I (general controls). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class I. The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs

proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of untreated menstrual pads:

1. Identification: An untreated menstrual pad is an absorbent cotton or synthetic material pad that is used to absorb menstrual or other vaginal discharge and that has not been treated with scent or added drugs or antimicrobial agents.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that untreated menstrual pads be classified into class I because general controls are sufficient to provide reasonable assurance of the safety and effectiveness of this device. This simple device presents no risk to health, and the user can easily determine, by examination, whether the device is effective.

4. Summary of data on which the recommendation is based: The Panel members based their recommendation on clinical experience with these pads. The device has been in use for many years.

5. Risks to health: None identified.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that untreated menstrual pad be classified into class I (general controls) with no exemptions because the Commissioner believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5435 as follows:

§ 884.5435 Untreated menstrual pad.

(a) *Identification.* An untreated menstrual pad is an absorbent cotton or synthetic material pad that is used to absorb menstrual or other vaginal discharge and that has not been treated with scent or added drugs or antimicrobial agents.

(b) *Classification.* Class I (general controls).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1170]

[FR Doc. 79–9473 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Scented Deodorized Menstrual Tampons

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying scented deodorized menstrual tampons into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of scented deodorized menstrual tampons:

1. Identification: A scented deodorized menstrual tampon is an absorbent cotton or synthetic material plug, inserted into the vagina, that is used to absorb menstrual or other vaginal discharge. It has fragrant chemicals added for the purpose of deodorizing or for esthetic purposes. This generic type of device does not include devices with added drug or antimicrobial agents.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation. The Panel recommends that Scented deodorized menstrual tampons be classified into class II (performance standards) because the Panel believes that the device materials should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that material standards are necessary to control material absorbency and the wet strength of the removal string. Breakage of the removal string may cause difficulty in removing the tampon from the vagina. The Panel notes that excessive tampon swelling can cause pressure necrosis. At one Panel meeting, a Panel member described difficulty in removing tampons from vaginas of virginal teenagers. The Panel also recommends that the labeling specify the proper size of tampons for young girls and that the following caution be prominently displayed on the front of the package: "Discontinue Use If Sensitivity Or Irritation Occurs." The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is

sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on clinical experience with scented tampons. The Panel members related their experience with this device in several Panel meetings. There have been few adverse reports concerning these tampons.

5. Risks to health: (a) Infection: The device may increase the chance of infection or cause vaginitis or cervicitis if the device is left in place over a long period of time. (b) Adverse tissue reaction: Material or substances in the device could cause a local tissue or systemic reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that scented deodorized menstrual tampons be classified into class II (performance standards). The Commmissioner has reviewed the panel recommendation and has obtained additional data and information describing the use of scented deodorized menstrual tampons. Reports show that chronic use of tampons (whether scented or not) has caused vaginal ulcers (Ref. 1). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Reference

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Barrett, K. F., S. Bledsoe, B. E. Greer, and W. Droegemueller, "Tampon-Induced Vaginal or Cervical Ulceration," *American Journal of Obstetrics and Gynecology*, 127: 332–333, 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5250 as follows:

§ 884.5460 Scented deodorized menstrual tampon.

(a) *Identification.* A scented deodorized menstrual tampon is an absorbent cotton or synthetic material plug, inserted in the vagina, that is used to absorb menstrual or other vaginal discharge. It has fragrant chemicals added for the purpose of deodorizing or for esthetic purposes. This generic type of device does not include devices with added drug or antimicrobial agents.

(b) *Classification.* Class II (performance standards).

Intersted persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1171]

[FR Doc. 79–9474 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Untreated Menstrual Tampons

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying untreated menstrual tampons into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the Federal Register.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the Federal Register provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of untreated menstrual tampons:

1. Identification: An untreated menstrual tampon is an absorbent cotton or synthetic material plug that is used to absorb menstrual or other vaginal discharge and that has not been treated with scent or added drugs or antimicrobial agents.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that untreated menstrual tampons be classified into class II (performance standards) because the Panel believes that device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that material standards are necessary to control material absorbency and the wet strength of the removal string to prevent difficulty due to breakage of the tampon plug or removal string when removing the tampon from the vagina. The Panel notes that tampon swelling can cause pressure necrosis. At one Panel meeting, a Panel member described difficulty in removing tampons from the vaginas to provide sufficient control over these characteristics. The Panel also recommends that the labeling specify the proper size of tampons for young girls. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on clinical experience with these tampons. The untreated tampon has been on the market for a long time with minimal adverse reports.

5. Risks to health: (a) Infection: If the device is not properly sterilized, it may introduce microorganisms that could cause infection. (b) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that untreated menstrual tampons be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained other data and information. Reports show that chronic use of tampons has caused vaginal ulcers (Ref. 1). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard will provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (HFA–305), Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Barrett, K. F., S. Bledsoe, B. E. Greer, and W. Droegemueller, "Tampon-Induced Vaginal or Cervical Ulceration," *American Journal of Obstetrics and Gynecology*, 127:332–333, 1977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540—546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5470 as follows:

§ 884.5470 Untreated menstrual tampon.

(a) *Identification.* An untreated menstrual tampon is an absorpbent cotton or synthetic material plug that is used to absorb menstrual or other vaginal discharge and that has not been treated with scent or added drugs or antimicrobial agents.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1172]

[FR Doc. 79–9475 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Vaginal Douche Kits

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying vaginal douche kits into class II (Performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of vaginal douche kits:

1. Identification: A vaginal douche kit consists of a bag or a bottle with a nozzle designed to direct a stream of water or solution into the vaginal cavity to cleanse the vagina. The device is not for contraception. A douche kit that includes chemicals or solutions is an over-the-counter vaginal drug product.

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that vaginal douche kits be classified into class II (performance standards) because the Panel believes that design standards are necessary to assure that the jet-spray pressure does not force the cleansing solution into the uterus and peritoneal cavity. The Panel believes that the device materials contacting the body should meet a biocompatibility standard to prevent an adverse tissue reaction. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel also recommends that the nozzle be cleaned properly to prevent infection and that the device not be used during pregnancy, nor in the first 6 weeks after abortion or childbirth. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on extensive experience with the douche kit, and information from the Advisory Review Panel on OTC Contraceptives and Other Vaginal Drug Productrs, another FOA advisory committee. Case reports of salpingitis (fallopian tube inflammation) and peritonitis produced by vaginal douche fluid under pressure have been related to the use of douche kits. The Panel members also reviewed the literature on the device (Refs. 1 through 5). These articles suggest that douching is essentially a safe modality, and it can serve as a useful adjunct to treatment of certain conditions.

5. Risks to health: (a) Infection: If the device is not properly cleaned, it may introduce microorganisms that could cause infection. (b) Trauma or perforation: Improper structure of the device could result in injury to the patient. (c) Peritonitis: (inflammation of the peritoneal cavity). Excessive pressure could result in the solution in the douche entering the uterus and the peritoneal cavity. This could lead in peritonitis.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that vaginal douche kits be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendations and has obtained other data and information describing the use of the vaginal douche kit. Peritonitis may also be caused by prolonged use of a suspension of powder in water as a douche solution

(Ref. 6). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Barnes, J., "Uses and Abuses of Vaginal Douching," *Practitioner*, 184:668, 1960.

2. Glynn, R., "Vaginal pH and the Effect of Douching," *Obstetrics and Gynecology*, 20:369–372, 1962.

3. Glynn, R., "Daily Douching: Effect on Vaginal Mucosa," *Obstetrics and Gynecology*, 22:640–642, 1963.

4. Karnaky, K. J., "Normal Physiologic Vaginal Douches," *American Journal of Surgery*, 101:456–462, 1961.

5. Neumann, H. H., A. DeCherney, "Douching and Pelvic Inflammatory Disease," *New England Journal of Medicine*, 295:789, 1976.

6. Hidvegi, D., I. Hidvegi, and J. Barnett, "Douche-Induced Pelvic Peritoneal Starch Granuloma," *Obstetrics and Gynecology*, 52(1) (Supplement): 15S–18S, July 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5900 as follows:

§ 884.5900 Vaginal douche kit.

(a) *Identification.* A vaginal douche kit is a device used to direct a stream of water or solution into the vaginal cavity to cleanse the vagina. The device is not for contraception. A douche kit that includes chemicals or solution is an over-the-counter vaginal drug product.

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N–1173]

[FR Doc. 79–9476 Filed 4–2–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 884]

Classification of Vaginal Insufflators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying vaginal insufflators into class I (general controls). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class I. The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK–470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, and FDA advisory committee, made the following recommendation with respect to the classification of vaginal insufflators:

1. Identification: A vaginal insufflator is a device used to treat vaginitis by introducing medicated powder from a hand-held bulb into the vagina through an open speculum.

2. Recommended classification: Class I (general controls). The Panel recommends that there be no exemptions.

3. Summary of reasons for recommendation: The Panel recommends that vaginal insufflators be classified into class I because the Panel believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device. This simple device presents no risk to health, and the user can easily determine whether the device is effective. The Panel also recommends that this device be used by a professional and only when the vagina is held open with a speculum (Ref. 1).

4. Summary of data on which the recommendation is based: The Panel based its recommendation on knowledge of and clinical experience with this device. This device has been widely used for many years (Ref. 1).

5. Risks to health: The Panel identified no risks to health.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that viginal insufflators be classified into class I (general controls) with no exemptions because the Commissioner believes that general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk, and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Kimbrough R., "Gynecology," J. B. Lippincott Co., Philadelphia, PA, p. 267, 1965.

Therefore, under the Federal Food, Drug, and Cosemtic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5920 as follows:

§ 884.5920 Vaginal insufflator.

(a) *Identification.* A vaginal insufflatory is a device used to treat vaginitis by introducing medicated powder from a hand-held bulb into the vagina through an open speculum.

(b) *Classification.* Class I (general controls).

Interested persons may, on or before June 4, 1979 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may

submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-1174]

[FR Doc. 79-9477 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Powered Vaginal Muscle Stimulators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying powered vaginal muscle stimulators into class III (premarket approval). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class III. The effect of classifying a device into class III is to provide for each manufacturer of the device to submit to FDA a premarket approval application at a date to be set in a future regulation. Each application includes information concerning safety and effectiveness tests of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. In a future issue of the **Federal Register,** the agency will publish the recommendation of the Gastroenterology and Urology Device Classification Panel, is making recommendations with respect to the classification of the powered vaginal muscle stimulators used for treating urinary incontinence. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the folowing recommendation with respect to the classification of powered vaginal muscle stimulators for treatment of sexual dysfunction:

1. Identification: A powered vaginal muscle stimulator is an electrically powered device designed to stumilate directly the muscles of the vagina with pulsating electrical current. This device is used to increase musclular tone and strength in the treatment of sexual dysfunction. This generic type of device does not include devices used to treat urinary incontinence.

2. Recommended classification: Class III (premarket approval). The Panel recommends that premarket approval of this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that the powered vaginal muscle stimulator be classified into class III because the Panel believes that satisfactory performance has never been demonstrated. The Panel questions the usefulness of this device when used in the treatment of sexual dysfunction. The device, therefore, should be subject to premarket approval to assure that manufacturers demonstrate satisfactory performance of the device and thus assure its safety and effectiveness.

4. Summary of data on which the recommendation is based: The Panel members based their recommendation on their familiarity with the device. The Panel found no data available concerning the effectiveness of this device for treating sexual dysfunction.

5. Risks to health: (a) Burns: Improper voltage control of the device could result in electrical burns when the device comes in contact with vaginal tissue. (b) Electrical shock: Malfunction of the device could result in electrical shock to the patient. (c) Irritation, truama, hemorrhage, and perforation: Improper shape, or other design shortcomings, of the device could cause injury to vaginal tissue. (d) Adverse tissue reaction: Material or substances in the device could cause a local tissue or systemic reaction when the device comes into contact with the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that powered vaginal muscle stimulators be classified into class III (premarket approval). The Commissioner has reviewed the Panel recommendation and has obtained additional data and information describing the application of the powered vaginal muscle stimulator. This device has fallen into disuse in sex therapy (Ref. 1), and the published data are not adequate to demonstrate the safety and effectiveness of the device. The Commissioner believes that the device is purported or represented to be for a use (treatment of sexual dysfunction) that is of substantial importance in preventing impairment of human health. The Commissioner believes that the device presents a potential unreasonable risk of illness or injury because its effectiveness has never been documented, and it presents serious risks to health. The Commissioner also believes that insufficient information exists to determine that general controls will provide reasonable assurance of the safety and effectiveness of the device and that insufficient information exists to establish a performance standard to provide this assurance.

References

The following information has been placed in the office of the Hearing Clerk (address above) and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Oliver, J. F. "Clinical Sexuality," 3d Ed., J. B. Lippincott Co., Philadelphia, p. 418, 1974.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5940 as follows:

§ 884.5940 Powered vaginal muscle stimulator.

(a) *Identification.* A powered vaginal muscle stimulator is an electrically powered device designed to stimulate directly the muscles of the vagina with pulsating electrical current. This device is used to increase muscular tone and strength in the treatment of sexual dysfunction. This generic type of device does not include devices used to treat urinary incontinence.

(b) *Classification.* Class III (premarket approval).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and

shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory affairs.

[Docket No 78N-1175]

[FR Doc. 79-9478 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 884]

Classification of Genital Vibrators

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment a proposed regulation classifying genital vibrators into class II (performance standards). The FDA is also publishing the recommendation of the Obstetrical and Gynecological Device Classification Panel that the device be classified into class II. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. After considering public comments, FDA will issue a final regulation classifying the device. These actions are being taken under the Medical Device Amendments of 1976.

DATES: Comments by June 4, 1979. The Commissioner of Food and Drugs proposes that the final regulation based on this proposal become effective 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION:

Panel Recommendation

A proposal elsewhere in this issue of the **Federal Register** provides background information concerning the development of the proposed regulation. The Obstetrical and Gynecological Device Classification Panel, an FDA advisory committee, made the following recommendation with respect to the classification of genital vibrators:

1. Identification: A genital vibrator is an electrically operated device used to vibrate the female genitals as a form of massage in the treatment of sexual dysfunction and as an adjunct to Kegel's exercise (tightening of the muscles of the pelvic floor, to increase muscle tone).

2. Recommended classification: Class II (performance standards). The Panel recommends that establishing a performance standard for this device be a low priority.

3. Summary of reasons for recommendation: The Panel recommends that genital vibrators be classified into class II (performance standards) because the Panel believes that electrical safety standards are required to minimize the hazards of electrical shock or burn to genital tissues. The Panel also believes that the device materials contacting genital tissues should meet a biocompatibility standard to prevent adverse tissue reaction. The hazard of vaginal, urethral, vulvar, or rectal laceration can be controlled by a material standard which will assure adequate surface finish and by a design standard which will assure appropriate shape of the device. The Panel recommends that proper instructions against misuse be stated in the device labeling. The Panel believes that general controls alone will not provide sufficient control over these characteristics. The Panel believes that a performance standard will provide reasonable assurance of the safety and effectiveness of this device and that there is sufficient information to establish a standard to provide such assurance.

4. Summary of data on which the recommendation is based: The Panel based its recommendation on their personal knowledge of, and clinical experience with, genital vibrators. Panel member Dr. John Josimovich contacted and polled 10 chairmen of medical centers and obstetrics-gynecology departments across the nation and one major sexual dysfunction specialist. Dr. Josivomich failed to discover a single hospital admission or an office visit for vaginal or vulvar lacerations caused by use of a genital vibrator. The Panel members also reviewed articles on the device in popular publications (Refs. 1 and 2).

5. Risks to health: (a) Burns: Poor design or incorrect application of the device could result in tissue burns if the device heats the patient's tissue by friction. (b) Laceration and abrasion: Improper shape and/or roughness of the device could cause patient injury. (c) Adverse tissue reaction: Material in the device could cause a systemic or local tissue reaction when the device comes in contact with the patient. (d) Electrical shock: Malfunction of the device could result in electrical shock to the patient.

Proposed Classification

The Commissioner agrees with the Panel recommendation and is proposing that genital vibrators be classified into class II (performance standards). The Commissioner has reviewed the Panel recommendation and has obtained other data and information describing the use of genital vibrators as an adjunct to Kegel's exercises (Ref. 3). Kegel's exercises are prescribed to increase the strength and tone of the pelvic muscles in the treatment of genital relaxation, urinary stress incontinence, and sexual dysfunction (Ref. 4). The Commissioner believes that a performance standard is necessary for this device because general controls by themselves are insufficient to control the risks to health. A performance standard would provide reasonable assurance of the safety and effectiveness of the device. The Commissioner also believes that there is sufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

References

The following information has been placed in the office of the Hearing Clerk, and may be seen by interested persons, from 9 a.m. to 4 p.m., Monday through Friday.

1. Barbach, L. G., "For Yourself," Doubleday & Co., Inc., Garden City, NY, pp. 106-107, 1975.

2. Murray, L., "Vibrators: Everything you must know—How do men feel about them? Can they harm you? Are they habit forming?" *Playgirl*, pp. 80-83, December 1975.

3. Oliven, J. F., *Clinical Sexuality: A Manual for the Physician and the Professions*, 3d Ed., J. B. Lippincott Company, Philadelphia, pp. 197, 418-419, 1974.

4. Kegel, A. H., "Exercise in the Treatment of Genital Relaxation, Urinary Stress Incontinence, and Sexual Dysfunction," *in* "Office Gynecology," 9th Ed., Edited by Greenhill, J. P., Year Book Medical Publishers Inc., Chicago, pp. 188-200, 1971.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 884 in Subpart F by adding new § 884.5960 as follows:

§ 884.5960 Genital vibrator.

(a) *Identification.* A genital vibrator is an electrically operated device used to vibrate the vagina as a form of massage in the treatment of sexual dysfunction, and as an adjunct to Kegel's exercise (tightening of the muscles of the pelvic floor, to increase muscle tone).

(b) *Classification.* Class II (performance standards).

Interested persons may, on or before June 4, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers lane, Rockville, MD 20857, written comments regarding this proposal. Four

copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-1176]

[FR Doc. 79-9479 Filed 4-2-79; 8:45 am]

BILLING CODE 4110-01-M

federal register

Tuesday
April 3, 1979

Part VIII

Office of Personnel Management

Post Employment Conflict of Interest

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 737

Post Employment Conflict of Interest

AGENCY: Office of Personnel Management.

ACTION: Interim regulations made immediately effective, with comments invited for consideration in final rulemaking.

SUMMARY: These regulations particularize the restrictions on post employment activity established by title V of the Ethics in Government Act of 1978 (18 U.S.C. 207); provide guidance to the executive agencies in exercising the administrative enforcement authority reflected in 18 U.S.C. 207(j); and establish the procedures for making certain determinations and designations under the Act.

DATES: Effective date: Subpart A is effective. April 3, 1979. The substantive restrictions, Subpart B, will become effective on July 1, 1979, except that the procedures requiring agency action in §§ 737.13 and 737.25 and the provisions of § 737.29 are effective April 3, 1979.

Comments date: Written comments will be considered if received no later than May 18, 1979.

ADDRESS: Send written comments to: Office of Government Ethics, Room 5315, 1900 E Street, NW, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: H. Lawrence Garrett (202) 632–7642.

SUPPLEMENTARY INFORMATION:

Background

On October 26, 1978, Congress enacted the Ethics in Government Act of 1978 ("the Act"). Title IV of the Act created a separate statutory Office of Government Ethics (OGE) within the Office of Personnel Management (OPM). It provided that the new office be headed by the Director of OGE ("the Director") whose responsibilities include developing and recommending to OPM or the President, in consultation with the Attorney General, regulations pertaining to conflicts of interest and ethics in the executive branch. OPM is promulgating these regulations upon the recommendation of the Director in accordance with Title IV of the Act.

Title V of the Act amends 18 U.S.C. 207, which relates to post employment conflicts of interest. These regulations particularize the restrictions on post employment activity established by 18 U.S.C. 207, as amended, to guide employees and give direction as to administrative enforcement. The Attorney General has concurred in the regulations as representing his interpretation of the Act.

These are interim, not proposed, regulations. Most are interpretive or procedural, exempt from 5 U.S.C. 553. Moreover, because of the July 1, 1979 effective date of Title V of the Act, the need in fairness to advise employees as to their responsibilities, and the comment procedures already employed, the Director of OPM, Alan K. Campbell, acting pursuant to 5 U.S.C. 553(b)(B), has found good cause for dispensing with notice of proposed rulemaking and for setting a 45 day comment period. All interested persons are invited to submit comments. After OGE evaluates the comments received, OPM will promulgate final regulations. However, as discussed below, a fair notice rule will result in a five month delay in the effective date for any change in the substance of the final regulations that is more restrictive than the current provisions.

Before preparing these interim regulations, OGE sent a memorandum dated January 16, 1979, to all heads of departments, independent agencies, and Government corporations requesting their comments on the practical problems which might arise under possible applications of the Act. OGE also solicited the comments of several public interest groups. It received more than 40 letters and memoranda in response, and has held numerous discussions with representatives of executive departments, public interest groups, the staffs of legislative committees concerned with the Act and groups of government personnel.

A common theme ran through these responses. There is agreement, that regulations should prevent a former Government official from abusing or taking unfair advantage of his prior Government position, but should not incorporate unnecessary restrictions which hinder the Government's ability to attract and retain individuals and to execute its programs. We have attempted to strike a fair balance between these two concerns within the scope of the Act, which is expressed in a statement of policy in the forepart of the regulations.

These regulations are unusual in that they reflect the joint views of OGE and the Department of Justice. The actual narrative language dealing with individual conduct is short, but many examples have been included in both the main text and in set-off paragraphs in order to insure that a lay reader will understand the scope of the prohibitions. These examples will also serve to ease the task of agency ethics counsellors in giving advice to current and former employees. Because of the inclusion within the regulations of both examples and statements of rationale, there is no need for an extended preamble. Thus, only certain summary and supplemental information is provided.

Major Provisions

The following briefly summarizes selected provisions of the regulations and points out some of the factors considered in formulating them.

A. Purpose and Policy (§ 737.1)

The amendments to section 207 of 18 U.S.C. not only broadened its substantive prohibitions, but also provided an alternate method of enforcement. Previously the statute was entirely a criminal provision, but Congress amended it to provide for administrative enforcement. (See S. Rep. No. 95–170, 95th Cong., 1st Sess. 34 (1977)). Each agency is responsible not merely for dealing with violations, but perhaps more importantly, for providing prompt advice to former Government employees so as to avoid violations. The attorney general has exclusive authority for criminal enforcement.

B. The subsection (a) Prohibition (§ 737.5)

The prior version of subsection (a) of 18 U.S.C. 207 imposed a permanent prohibition on certain representational activity by a former Government employee in connection with a "particular matter involving a specific party" in which the former employee had participated personally and substantially. The amended version defines the proscribed representational activity with more particularity. The original version prohibited a former Government employee from knowingly acting "as agent or attorney" in a matter; the present version expressly extends to "informal" appearances and provides sanctions for a former employee who "otherwise represents" or "with the intent to influence, makes any oral or written communication" on behalf of another to the Government.

Under both subsections (a) and (b) a former employee is limited only with respect to a "particular matter involving a specific party or parties" in which the United States is "a party or has a direct and substantial interest"—and in which the employee had the prior involvement specified by the statute. This is an important qualification, and means, for

example, that an employee can participate in formulating a general program or regulation, but not be restricted later as to specific cases involving the application of that program or regulation.

Finally, subsection (a) applies only to matters in which a former government employee has "participated personally and substantially." Thus, violation of this subsection requires more than official responsibility, mere knowledge, or involvement in an administrative or peripheral issue.

C. The subsection (b)(i) Prohibition (§ 737.7)

Subsection (b) of 18 U.S.C. 207 contains two prohibitions. The first, contained in clause (i) of subsection (b), is addressed in § 737.7 of the regulations. For a two year period after the termination of Government employment, it prohibits a former Government employee from representing another before the United States in connection with a particular matter involving a specific party which "was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility." "Official responsibility" is defined in 18 U.S.C. 202. Those matters assigned to an employee by statute, regulation, executive order, job description, or delegation of authority are ordinarily part of his official responsibility.

The 1978 amendments expanded the restriction period from one to two years. Moreover, while the original version of subsection (b) restricted only a former employee who "appears personally . . . as agent, or attorney," the same language regarding the varieties of representational activity which is used in subsection (a), also appears in subsection (b)(i). The new prohibition revises the nature of prior involvement required in that it refers to matters "actually pending under his official responsibility," rather than to matters "under his official responsibility" as set forth in the older version.

D. The subsection (b)(ii) Prohibition (§ 737.9)

Clause (ii) of subsection (b) of 18 U.S.C. 207 is a new provision which prohibits a former Senior Government Employee, for two years after terminating government employment, from assisting in representing another in connection with an appearance before the United States. However, it relates to a narrower range of representation than subsections (a) and (b)(i). That is, it applies only to assistance in representing "concerning any formal or informal appearance", but not an oral or written communication made with the intent to influence. Thus, for purposes of subsection (b)(ii), the distinction between an "appearance" and a "communication" is important. The two terms are explained in § 737.5.

It is also important to note that subsection (b)(ii) applies solely to representational assistance, not to other kinds of assistance to another person on a particular matter. Senate Bill 555, passed by the Senate on June 27, 1977, had provided that Senior Employees could not "aid, assist or represent" any other person in connection with a matter in which the employee had been involved; but such language was rejected in favor of that in the House bill, which targeted one who "assists in representing" concerning an appearance involving such a matter. Thus, for example, a former employee can actually work on a contract which he awarded, but cannot represent the contractor to the Government. Similarly, a former Senior Employee can assume managerial responsibility for a project under such a contract, even where his decisions as to the work to be done under the contract, and the terms thereof, are communicated to the Government.

A major question encountered in drafting these regulations was whether subsection (b)(ii) should be viewed as applying only to matters that a former Senior Employee had participated in personally and substantially as the legislative history suggests, or whether it applies also to matters actually pending under his official responsibility, as the statutory language suggests.

On February 16, 1979, the Director received a letter and memorandum from the chairmen and ranking members of the House-Senate Conference on the legislation, which have since been published in the Congressional Record of February 21, 1979, at S1613. The memorandum refers to the foregoing language of the Conference Report as well as the stenographic transcript of the House-Senate Conference on S. 555 of October 5, 1978, and concludes that "the two parts of § 207(b) apply to different matters. Section 207(b)(i) applies only to matters under official responsibility and section 207(b)(ii) applies only to matters where there had been personal and substantial involvement." Memorandum at 3.

The literal language of the Act, however, is constraining. Accordingly, the regulations permit applicability of section 207(b)(ii) to the broader set of matters under official responsibility. However, both OGE and the Attorney General have recommended the adoption of a technical amendment to conform the language of the statute to the intent indicated in the letter of the senior conference managers noted above. Pending action on such a technical amendment, OGE will not designate any Senior Employee for coverage under section 207(b)(ii); however, individuals at the Executive Level and the 0–7 level in the uniformed services are covered by the statute without designation by the Director (see section G below).

E. The Subsection (c) Prohibition (§ 737.11)

Subsection (c) is a new provision which restricts a Senior Employee from acting as attorney or agent before, or making contact with an intent to influence, his former agency during a one year "cooling-off" period after termination of government employment. It does not prohibit contacts with respect to matters that (a) involve no element of potential controversy, (b) are neither pending before, nor of direct or substantial interest to, the agency, or (c) are of a personal and individual nature, such as personal income taxes, pension benefits, or the application of these restrictions. It also does not prohibit statements based on the former Senior Employee's own special knowledge, including political expression.

F. Exemption for Scientific and Technological Information (§ 737.15)

The post employment restrictions of 18 U.S.C. 207 do not apply to communications made solely for the purpose of furnishing scientific or technological information under procedures acceptable to the agency concerned. The regulations do not enlarge, but give realistic effect to, the exemption by making clear that communications to determine technical problems confronting the Government for the purpose of proposing an approach or solution are within the exemption, and that scientific and technological information may incorporate such data and information as is necessary to understand its practical significance. Each agency is responsible for developing procedures to permit the interchange of such information in a manner consistent with the purposes of the Act. The regulations do not prescribe procedures, but based upon comments received, set forth a number of factors which might be considered. Agency procedures will be reviewed periodically to determine whether this area is being managed properly.

G. Designation of Senior Employees Positions (§ 737.25)

The prohibitions of subsections (a) and (b)(i) of 18 U.S.C. 207 apply to all former Government employees. However, the additional prohibitions of subsections (b)(ii) and (c) of 18 U.S.C. 207 apply only to former Senior Government employees. These "Senior Employees" are the four categories specified in subsection (d) of 18 U.S.C. 207. Two of these categories are made subject to the additional restrictions by the statute alone. These are "Executive Level" employees, identified by subsection (d)(1), and persons on active duty as commissioned oficers of a uniformed service assigned to pay grade of 0–7 or above, identified by subsection (d)(3). The restrictions of subsection (b)(ii) and (c) will apply to these individuals on July 1, 1979.

Two other categories of employees are not covered automatically by statute, but rather require the Director to designate specific positions. Subsection (d)(2) lays the basis for application to a person in a position for which the basic rate of pay is equal to or greater than that for a GS–17 and "who has significant decision-making or supervisory responsibility." Subsection (d)(4) covers other persons who have significant decision-making authority or other duties which are substantially similar to those exercised by persons covered by subsection (d)(2).

The regulations establish a procedure for designations by the Director under the latter two subsections. Certain positions will be designated effective October 1, 1979, unless exempted, and the restrictions will apply to the incumbents on or after that date. These are all positions classified at, or the rate of pay of which is at least that of, GS–17 as well as all positions in the Senior Executive Service. Exemptions from designation will be made by the Director prior to October 1, 1979, on the recommendations of each agency, based on the criteria specified in the regulations. The regulations do not establish a substantive presumption that all such positions should be included, although the pay level of the positions involved, as well as the criteria in the Civil Service Reform Act regarding positions made part of the Senior Executive Service at least suggest that such inclusion would be appropriate. Rather, the regulations prescribe an operating technique to require each agency, which is in the best position to articulate facts supporting nondesignation, to do so.

All other positions which might properly be designated are to be proposed for coverage by each agency's designated agency ethics official, who has special responsibility for administration of the Act and is appropriately situated to oversee and endorse the work necessary to effect these supplemental designations. Designations by the Director will become effective five months after the publication of an official notice of an intention to designate.

The exact dates, standards and procedures for the foregoing designations are set forth in the regulations.

H. Effective Dates (§ 737.29)

Employees whose effective date of retirement or resignation is on or before July 1, 1979, are not subject to the restrictions added by the 1978 amendments.

The regulations provide for fair notice of any substantive change in these regulations with respect to a Government employee who is adversely affected by the change. As to incumbents, such a change will not become effective until five months after the publication of the final regulations effecting the change. This will give an employee who has relied upon the regulations and finds the change unacceptable an opportunity to seek other employment. An employee who accepts an affected position after the change has been published in final form immediately becomes subject to it.

I. Other possible amendments

Both OGE and the Attorney General have recommended two additional clarifying amendments. The first would limit the prohibition of section 207(b)(ii) of Title 18 U.S.C. to assistance in representing through personal presence at an appearance before the Government. The second would amend § 207(d) of Title 18 U.S.C. so that commissioned officers of a uniformed service at pay grade of 0–7 and 0–8 are treated equally with civilians of comparable rank, in that they would be subject to the provisions for Senior Employees only if designated by the Director.

OPM is adding Part 737 to Title 5 of the Code of Federal Regulations, as set forth below:

PART 737—REGULATIONS CONCERNING POST EMPLOYMENT CONFLICT OF INTEREST

Subpart A—General Provisions

Sec.
737.1 Purpose and Policy.
(a) Authority.
(b) Consultation with the Attorney General
(c) Policy and Limitations.
737.3 Definitions.
(a) Statutory definitions.
(b) Interpretative definitions.

Subpart B—Substantive Provisions

737.5
(a) 18 U.S.C. § 207(a).
(b) Representation.
(1) Attorneys and agents.
(2) Others.
(3) Appearances; communications made with intent to influence.
(4) Elements of "influence" and potential controversy required.
(5) Assistance.
(6) Project responses not included.
(c) "Particular matter involving a specific party or parties".
(1) Specific matter vs. policy matter.
(2) Technical matters.
(3) Relationship of personal participation to specificity.
(4) The same particular matter must be involved.
(5) United States must be a party or have an interest.
(d) "Participate personally and substantially".
(1) Basic requirements.
(2) Participation on ancillary matters.
(3) Role of official responsibility in determining substantial participation.
(e) Agency responsibility in complex cases.
737.7
(a) 18 U.S.C. 207(b)(i).
(b) Official responsibility.
(1) Definition.
(2) Determining official responsibility.
(3) Ancillary matters and official responsibility.
(4) Knowledge of matter pending required.
(5) Self-disqualification.
(c) "Actually pending".
(d) Other essential requirements.
(e) Measurement of two-year restriction period.
737.9
(a) 18 U.S.C. 207(b)(ii).
(b) Representational assistance.
(c) Managemental assistance.
(d) Representational assistance.
(e) Degree of prior participation or responsibility required.
[(e) Personal and substantial participation required].
(f) Measurement of restriction period.
(g) Other essential requirements.
(h) General examples.
737.11
(a) 18 U.S.C. 207(c).
(b) No prior involvement required.
(c) Specific parties unnecessary.
(d) Element of controversy or influence required.

(e) Agency activity or interest in matter.
(f) Application or proposals for funding of research.
(g) Personal matters.
(h) Statements based on special knowledge.
(i) Measurement of one year restriction period.
737.13 Separate Statutory Agencies or Bureaus.
(a) Authority.
(b) Procedure.
(c) Standards.
(d) Effect of designation.
737.15 Exemption for Scientific and Technological Information.
(a) Exemption.
(b) Necessary information.
(c) Intent to influence.
(d) Expert testimony.
(e) Agency responsibility for procedures.
737.17 Exemption for Persons with Special Qualifications in a Technical Discipline.
(a) Applicability.
(b) When appropriate.
(c) Certification authority.
(d) Agency registry.
737.19 Testimony and Statements under Oath or Subject to Penalty of Perjury.
(a) Statutory basis.
(b) Applicability.
(c) Statements under penalty of perjury.
737.21 Partners of Present or former Government Employees.
(a) Scope.
(b) Imputation.
737.23 Officers of States and Other Organizations.
737.25 Senior Employee Designations.
(a) Definitions.
(b) Designation procedures.
(1) Positions at GS–17 and 18 level and SES.
(2) Other positions.
(3) Standards for designation and exemption.
(4) Senior Executive Service.
(5) "Rate of pay".
(c) Differential designation.
(d) Fair notice of designation.
(e) "Acting" or temporary positions.
(f) Special Government Employee.
(g) Publication.
(h) Computation of time.
(i) Position Shifting.
(j) Revocation of designations.
737.27 Administrative Enforcement Proceedings.
(a) Basic Procedures.
(1) Delegation.
(2) Initiation of administrative disciplinary hearing.
(3) Adequate notice.
(4) Presiding official.
(5) Time, date and place.
(6) Hearing rights.
(7) Burden of proof.
(8) Hearing decision.
(9) Administrative sanctions.
(10) Judicial review.
(11) Consultation and review.
737.29 Effective Date of Restrictions.
(a) Persons affected.
(b) Fair notice of substantive changes.

Appendix A [Reserved]

Appendix B [Reserved]

Appendix C [Reserved]

Authority: Pub. L. 95–521, 92 Stat. 1862–1863 (5 U.S.C. Appendix), 92 Stat. 1864–1867 (18 U.S.C. 207).

Subpart A—General Provisions

§ 737.1 Purpose and Policy.

(a) *Authority.* Title IV of the Ethics in Government Act of 1978 ("the Act") established the Office of Government Ethics within the Office of Personnel Management ("OPM"). Section 402(a) of the Act provides in part that the Director, Office of Government Ethics ("the Director") shall provide, under the general supervision of OPM, overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency as defined in section 105 of title 5, United States Code, and shall propose, in consultation with the Attorney General, rules and regulations to be promulgated by the President or by OPM. The purpose of this part is to issue regulations recommended by the Director which give content to the restrictions on post employment activity established by title V of the Act (18 U.S.C. 207) for administrative enforcement with respect to former officers and employees of the executive branch; generally to guide agencies in exercising the administrative enforcement authority reflected in section 18 U.S.C. 207(j); and to set forth the procedures to be employed in making certain determinations and designations pursuant to the Act. Criminal enforcement of the provisions of 18 U.S.C. 207 remains the exclusive responsibility of the Attorney General.

(b) *Consultation with the Attorney General.* In proposing these regulations, the Director consulted with the Attorney General as to the content of regulations governing substantive prohibitions as well as other matters. The Attorney General has advised that such regulations are consistent with his opinion as to the interpretation of the Act.

(c) *Policy and limitations.* These regulations bar certain acts by former Government employees which may reasonably give the appearance of making unfair use of prior Government employment and affiliations.

(1) When a former Government employee who has been involved with a particular matter decides to act as the representative for another person on that matter, such "switching of sides" undermines confidence in the fairness of proceedings and creates the impression that personal influence, gained by Government affiliation, is decisive.

(2) Similarly, when a former high-level employee assists in representing another in connection with such a matter which is in dispute in a proceeding involving the Government, such assistance suggests the unfair use of information unavailable to others. Different considerations are involved, however, with respect to assistance given as part of customary supervisory participation in a project funded by a Government contract or grant, since a former employee's knowledge may benefit the project and thus the Government; and regular communications with associates may properly be regarded as inherent in managerial responsibility and difficult to distinguish as restricted conduct.

(3) When a former Senior Employee returns to argue a matter to the employee's former agency in the period immediately following the termination of official employment, it appears that Government-based relationships are being used for private ends.

(4) Former officers and employees may fairly be required to avoid such activities in the circumstances specified by statute and in these regulations.

(5) The provisions of 18 U.S.C. 207 do not, however, bar any former Government employee, regardless of rank, from employment with any private or public employer after Government service. Nor do they effectively bar employment even on a particular matter in which the former Government employee had major official involvement (except in certain circumstances involving persons engaged in professional advocacy). Former Government employees may be fully active in high-level supervisory positions whether or not the work is funded by the United States and includes matters in which the employee was involved while employed by the Government. The statutory provisions are not intended to discourage the movement of skilled professionals in Government, to and from positions in industry, research institutions, law and accounting firms, universities and other major sources of expertise. Such a flow of skills can promote efficiency and communication between the Government and private activities, and it is essential to the success of many Government programs. Instead, only certain acts which are deterimental to public confidence in the Government are prohibited.

(6) It is essential that title V of the Act be effectively enforced. Agencies should act on the premise that they have

primary responsibility for the enforcement of the post-employment restrictions, and that criminal enforcement may be undertaken in cases involving aggravated circumstances. Enforcement should avoid unnecessarily severe applications which do not serve the purpose of the Act but adversely effect the Government's ability to attract and retain employees, and consequently, the success of its programs. Special attention should be given to the need to preserve the free flow of expertise, especially in scientific, technological and other technical areas from private activities to the Government.

(7) The examples contained in these regulations are intended to give guidance, but are illustrative, not comprehensive. Each agency may provide additional illustration and guidance in its own regulations, consistent with that contained herein, in order to address specific problems arising in the context of a particular agency's operations.

(8) Agencies have the responsibility to provide assistance promptly to former Government employees who seek advice on specific problems. The Office of Government Ethics will provide advice, promptly, upon request, to designated agency ethics officials in such situations, but will first coordinate with the Department of Justice on unresolved or difficult issues.

(9) These regulations do not incorporate restrictions contained in the code of conduct of a profession of which an employee may be a member.

§ 737.3 Definitions.

(a) *Statutory definitions.* The following are defined terms which largely repeat portions of the text of the statute. They are set out here to permit a simplified presentation of statutory requirements in the regulations which follow. Other definitions, which supplement the statutory language, are listed in paragraph (b) below and are set forth in detail in the substantive regulations.

(1) "United States" or "Government" means any department, agency, court, court-martial, or any civil, military or naval commission of the United States, the District of Columbia, or any officer or employee thereof.

(2) "Agency" includes an Executive Department, a Government corporation and an independent establishment of the executive branch (which includes an independent commission). See 18 U.S.C. 6.

(3) "Government Employee" includes any officer or employee of the Executive Branch (as defined in 18 U.S.C. 202 and, e.g., 5 U.S.C. 2104 and 2105) including a Special Government Employee.

(4) "Former Government Employee" means one who was, and is no longer, a Government employee.

(5) "Special Government Employee" means an officer or employee of an agency who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty five consecutive days, temporary duties either on a full time or intermittent basis (18 U.S.C. 202.)

(6) "Senior Employee" means an officer or employee named in, or designated by the Director pursuant to, section 207(d) of title 18 U.S.C. (See 737.25 below).

(7) "Particular Government matter involving a specific party" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest.

(b) *Interpretative definitions.* Other terms defined and interpreted in the substantive regulations are:

(1) "Acting as Agent or Attorney": (See 737.5(b)).

(2) "Actually Pending": (See 737.7(c)).

(3) "Communicating with Intent to Influence": (See 737.5(b)).

(4) "Direct and Substantial Interest": (See 737.11(e)).

(5) "Participate Personally and Substantially": (See 737.5(d)).

(6) "Particular Matter Involving a Specific Party or Parties": (See 737.5(c)).

(7) "Particular Matter" (without parties): (See 737.11(c)).

(8) "Official Responsibility": (See 737.7(b)).

(9) "Rate of Pay": (See 737.25(b)(5)).

Subpart B—Substantive Provisions

§ 737.5 Restrictions on any Former Government Employee's Acting as Representative as To a Particular Matter in Which the Employee Personally and Substantially Participated.

(a) *Basic Prohibition of 18 U.S.C. 207(a).* No former Government employee, after terminating Government employment, shall knowingly act as agent or attorney for, or otherwise represent any other person in any formal or informal appearance before, or with the intent to influence, make any oral or written communication on behalf of any other person to, (1) the United States, (2) in connection with any particular Government matter involving a specific party, (3) in which matter such employee participated personally and substantially as a Government employee.

(b) *Representation: Acting as agent or attorney, or other representative in an appearance, or communicating with intent to influence.* (1) *Attorneys and agents.* The target of this provision is the former employee who participates in a particular matter while employed by the Government and later "switches sides" by representing another person on the same matter. [*NOTE:* The examples in these regulations do not incorporate the special statutory restrictions on Senior Employees, except where the terms "Senior Employee" or "Senior" are expressly used.]

Example 1: A lawyer in the Department of Justice personally works on an antitrust case involving Q company. After leaving the Department, he is asked by Q company to represent it in that case. He may not do so.

(2) *Others.* The statutory prohibition covers any other former employee, including mangerial and technical personnel, who represents another person in an appearance or, by other communication, attempts to influence the Government concerning a particular matter in which he was involved. For example, a former technical employee may not act as a manufacturer's promotional or contract representative to the Government on a particular matter in which he participated. Nor could such employee appear as an expert witness against the Government in connection with such a matter. (See 737.19 for specific rules relating to expert witnesses.)

(3) *Appearances; communications made with intent to influence.* An appearance occurs when an individual is physically present before the United States in either a formal or informal setting or conveys material to the United States in connection with a formal proceeding or application. A communication is broader than an appearance and includes correspondence, a telephone call, or other means. However, neither a prohibited appearance nor communication occurs when a former Government employee communicates with a Government employee who, at the instance of the United States, visits or is assigned to premises leased to, or owned or occupied by, a person other than the United States which are or may be used for performance under an actual or proposed contract or grant, when such communication concerns work

performed or to be performed and occurs in the ordinary course of evaluation, administration, or performance of the actual or proposed contract or grant.

Example 1: An appearance occurs when a former employee meets with an agency employee personally to discuss a matter; or when he submits a brief in an agency administrative proceeding in his own name.

Example 2: A former employee makes a telephone call to a present employee to discuss a particular matter that is not the subject of a formal proceeding. She has made a communication.

(4) *Elements of "influence" and potential controversy required.* Communications which do not include an "intent to influence" are not prohibited. Moreover, acting as agent or attorney in connection with a routine request not involving a potential controversy is not prohibited. For example, the following are not prohibited: a question by an attorney as to the status of a particular matter; a request for publicly available documents; or a communication by a former employee, not in connection with an adversary proceeding, imparting purely factual information. (See also 737.11(d) below.)

Example 1: A government employee, who participated in writing the specifications of a contract awarded to Q Company for the design of certain education testing programs, joins Q Company and does work under the contract. She is asked to accompany a company vice-president to a meeting to state the results of a series of trial tests, and does so. No violation occurs when she provides the information to her former agency. During the meeting a dispute arises as to some terms of the contract, and she is called upon to support Q Company's position. She may not do so. If she had reason to believe that the contractual dispute would be a subject of the meeting, she should not have attended.

(5) *Assistance.* A former employee is not prohibited from providing in-house assistance in connection with the representation of another person unless he or she was a Senior Employee when participating in the particular matter. (See 737.9 below.)

Example 1: A Government employee administered a particular contract for agricultural research with Q Company. Upon termination of her Government employment, she is hired by Q Company. She works on the matter covered by the contract, but has no direct contact with the Government. At the request of a company vice-president, she prepares a paper describing the persons at her former agency who should be contacted and what should be said to them in an effort to increase the scope of funding of the contract and to resolve favorably a dispute over a contract clause. She may do so.

(6) *Project responses not included.* In a context not involving a potential controversy involving the United States no finding of an "intent to influence" shall be based upon whatever influential effect inheres in an attempt to formulate a meritorious proposal or program.

Example 1: The employee of Q Company in the previous example is asked to design an educational testing program, which she does and transmits it to the Government. This is not prohibited despite the fact that her well-designed program may be inherently influential on a question of additional funding under the contract. She may not argue for its acceptance.

(c) *"Particular matter involving a specific party or parties".* (1) *Specific matters vs. policy matters.* The prohibitions of subsections (a) and (b) of 18 U.S.C. 207, are based on the former Government employee's prior participation in or responsibility for a "judicial or other proceeding, application, request for a ruling or other determination, contract, controversy, investigation, charge, accusation, claim, arrest, or other particular matter involving a specific party or parties" in which the United States is a party or has a direct and substantial interest. Such a matter typically involves a specific proceeding affecting the legal rights of the parties or an isolatable transaction or related set of transactions between identifiable parties. Rulemaking, legislation, the formulation of general policy, standards or objectives, or other action of general application is not such a matter. Therefore, a former Government employee may represent another person in connection with a particular matter involving a specific party even if rules or policies which he or she had a role in establishing are involved in the proceeding.

Example 1: A Government employee formulated the policy objectives of an energy conservation program. He is not restricted from later representing a university which seeks a grant or contract for work emerging from such a program.

Example 2: A Government employee reviews and approves a specific city's application for Federal assistance for a renewal project. After leaving Government service, he or she may not represent the city in relation to that project.

Example 3: An employee is regularly involved in the formulation of policy, procedures and regulations governing departmental procurement and acquisition functions. Participation in such activities does not restrict the employee as to particular cases involving the application of such policies, procedures, or regulations.

Example 4: An employee of the Office of Management and Budget participates substantially on the merits of a decision to reduce the funding level of a program, which has the effect of reducing the amount of money which certain cities receive to conduct youth work programs. After leaving the Government she may represent any of the cities in securing funds for its youth program, since her participation was in connection with a program, not a particular matter involving specific parties.

(2) *Technical matters.* In connection with technical work, participation in projects generally involving one or more scientific or engineering concepts, in feasibility studies, or in proposed programs prior to the formulation of a contract will not restrict former Government employees with respect to a contract or specific programs entered into at a later date.

Example 1: A Government employee participates significantly in formulating the "mission need" of a project pursuant to OMB Circular No. A–109, and the award of a contract to Z Company, the purpose of which is to propose alternative technical approaches. He is not barred, after leaving Government service, from representing Q Company which later seeks a contract to manufacture one of the systems suggested by the Z Company.

Example 2: A Government employee, who has worked for years on the design of a new satellite communications system, joins C Company. Later, the Government issues a "request for proposals" ("rfp") to construct the new system, which is circulated generally to industry. The employee proposes to act as C Company's representative in connection with its anticipated proposals for the contract. He may do so. The satellite contract became a particular matter when the rfp was being formulated; it would ordinarily not become one involving a specific party or parties until initial proposals by contractors were first received. Moreover, if the employee's work for C Company were limited to the formulation and communication of a proposal in response to the rfp, it would not be prohibited to the extent it involved a communications for the purpose of furnishing scientific or technological information to the Government, exempt under 18 U.S.C. 207(f). See 737.15 below. (See paragraph (3) below as to a case where the employee's own participation may cause a different result).

(3) *Relationship of personal participation to specificity.* In certain cases, whether a matter should be treated as a "particular matter" involving specific parties may depend on the employee's own participation in events which give particularity and specificity to the matter in question. For example, if a Government employee personally participated in that stage of the formulation of a proposed contract where significant requirements were discussed and one or more persons was identified to perform services thereunder, but the contract was actually awarded only after the employee left, it may nevertheless be a

particular matter as to such former Government employee.

Example 1: A Government employee advises her agency that it needs certain work done and meets with private firm X to discuss and develop requirements and operating procedures. Thereafter, the employee meets with agency officials and persuades them of the need for a project along the lines discussed with X. She leaves the Government and the project is awarded by other employees to firm X. The employee is asked by X to represent it on the contract. She may not do so.

(4) *The same particular matter must be involved.* The requirement of a "particular matter involving a specific party" applies both at the time that the Government employee acts in an official capacity and at the time in question after Government service. The same particular matter may continue in another form or in part. In determining whether two particular matters are the same, the agency should consider the extent to which the matters involve the same basic facts, related issues, the same or related parties, time elapsed, the same confidential information, and the continuing existence of an important Federal interest.

Example 1: A government employee was substantially involved in the award of a long-term contract to Z Company for the development of alternative energy sources. Six years after he terminates Government employment, the contract is still in effect, but much of the technology has changed as have many of the personnel. The Government proposes to award a "follow on" contract, involving the same objective, after competitive bidding. The employee may represent Q Company in its proposals for the follow-on contract, since Q Company's proposed contract is a different matter from the contract with Z Company. He may also represent Z Company in its efforts to continue as contractor, if the agency determines on the basis of facts referred to above, that the new contract is significantly different in its particulars from the old: The former employee should first consult his agency.

Example 2: A Government employee reviewed and approved certain wiretap applications. The prosecution of a person overheard during the wiretap, although not originally targeted, must be regarded as part of the same particular matter as the initial wiretap application. The validity of the wiretap may be put in issue and many of the facts giving rise to the wiretap application would be involved.

Other examples: See 737.5(b)(1), Example 1, and (c), Example 2.

(5) *United States must be a party or have an interest.* The particular matter must be one in which the United States is a party, such as in a judicial or administrative proceeding or a contract, or in which it has a direct and substantial interest. The importance of the Federal interest in a matter can play a role in determining whether two matters are the same particular matter.

Example 1: An attorney participated in preparing the Government's antitrust action against Z Company. After leaving the Government, she may not represent Z Company in a private antitrust action brought against it by X Company on the same facts involved in the Government action. The interest of the United States preventing inconsistent results and the appearance of impropriety in the same factual matter involving the same party, Z Company, is direct and substantial. However, if the Government's antitrust investigation or case is closed, the United States no longer has a direct and substantial interest in the case.

Example 2: A member of a Government team providing technical assistance to a foreign country leaves and seeks to represent a private contractor in securing a contract to perform the same service. The proposed new contract may or may not be considered a separate matter, depending upon whether the United States has a national interest in maintaining the original contract. The agency involved must be consulted by the former employee before the representation can be undertaken.

(d) *"Participate personally and substantially."* (1) *Basic requirements.* The restrictions of section 207(a) apply only to those matters in which a former Government employee had "personal and substantial participation", exercised "through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise." To participate "personally" means directly, and includes the participation of a subordinate when actually directed by the former Government employee in the matter. "Substantially," means that the employee's involvement must be of significance to the matter, or form a basis for a reasonable appearance of such significance. It requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. A finding of substantiality should be based not only on the effort devoted to a matter, but on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial. It is essential that the participation be related to a "particular matter involving a specific party." (See paragraph (c) above.)

Example 1: If an officer personally approves the departmental budget, he does not participate substantially in the approval of all items contained in the budget. His participation is substantial only in those cases where a budget item is actually put in issue. Even then, the former Government employee is not disqualified with respect to an item if it is a general program rather than a particular matter involving a specific party. The former Government employee may, however, have official responsibility for such matters. (See 737.7(b))

Example 2: A Government lawyer is not in charge of, nor has official responsibility for a particular case, but is frequently consulted as to filings, discovery, and strategy. Such an individual has personally and substantially participated in the matter.

(2) *Participation on ancillary matters.* An employee's participation on subjects not directly involving the substantive merits of a matter may not be "substantial", even if it is time-consuming. An employee whose responsibility is the review of a matter solely for compliance with administrative control or budgetary considerations and who reviews a particular matter for such a purpose should not be regarded as having participated substantially in the matter, except when such considerations also are the subject of the employee's proposed representation. (See 737.7(b)(3) below.) Such an employee could theoretically cause a halt in a program for noncompliance with standards under his or her jurisdiction, but lacks authority to initiate a program or to disapprove it on the basis of its substance.

(3) *Role of official responsibility in determining substantial participation.* Although "personal and substantial participation" is different from "official responsibility," the latter may play a role in determining the "substantiality" of the employee's participation. For example, mere forbearance is not ordinarily substantial participation. But, if an agency's procedures require that an officer review certain matters and action cannot be taken if the officer objects, then if the officer actually receives proposal documents on the particular matters, his participation may be regarded as "substantial", even if he claims merely to have engaged in inaction.

(e) *Agency responsibility in complex cases.* In certain complex factual cases, the agency with which the former Government employee was associated is likely to be in the best position to make a determination as to certain issues, for example, the identity or existence of a particular matter. Designated agency ethics officials should provide advice promptly to former Government employees who make inquiry on any matter arising under these regulations.

§ 737.7 Two-Year Restriction on any Former Government Employee's Acting as Representative as to a Particular Matter For Which The Employee Had Official Responsibility.

(a) *Basic Prohibition of 18 U.S.C. 207(b)(i).* No former Government employee, within two years after terminating employment by the United States, shall knowingly act as agent or attorney for, or otherwise represent any other person in any formal or informal appearance before, or with the intent to influence, make any oral or written communication on behalf of any person to (1) the United States, (2) in connection with any particular Government matter involving a specific party (3) if such matter was actually pending under the employee's responsibility as an officer or employee within a period of one year prior to the termination of such responsibility.

(b) *"Official responsibility."*

(1) *Definition.* "Official responsibility" is defined in 18 U.S.C. 202 as, "the direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government actions."

(2) *Determining official responsibility.* Ordinarily, the scope of an employee's "official responsibility" is determined by those areas assigned by statute, regulation, Executive Order, job description or delegation of authority. Any particular matter under consideration in an agency is under the "official responsibility" of the agency head, as well as that of each intermediate supervisor having responsibility for an employee who actually participates in the matter within the scope of his duties.

(3) *Ancillary matters and official responsibility.* "Administrative" authority as used in the foregoing definition means authority for planning, organizing and controlling matters rather than authority to review or make decisions on ancillary aspects of a matter such as the regularity of budgeting procedures, public or community relations aspects, or equal employment opportunity considerations. Responsibility for such an ancillary consideration does not constitute responsibility for the particular matter, except when such a consideration is also the subject of the employee's proposed representation.

Example 1: An agency's comptroller would not have official responsibility for all programs in the agency, even though she must review the budget, and all such programs are contained in the budget.

Example 2: Within two years after terminating employment, an agency's former comptroller is asked to represent Q Company in a dispute arising under a contract which was in effect during the comptroller's tenure. The dispute concerns an accounting formula, under the contract, a matter as to which a subordinate department of the comptroller's office was consulted. She may not represent Q Company on this matter.

(4) *Knowledge of matter pending required.* In order for a former employee to be barred from representing another as to a particular matter, he need not have known, while employed by the Government, that the matter was pending under his official responsibility. However, he is not subject to the restriction unless at the time of the proposed representation of another, he knows or learns that the matter had been under his responsibility. Ordinarily, a former employee who is asked to represent another on a matter will become aware of facts sufficient to suggest the relationship of the prior matter to his former agency, and if so, he is under a duty to make further inquiry, including direct contact with an agency's designated ethics official where the matter is in doubt.

(15) *Self-disqualification.* A former employee cannot avoid the restrictions of this section by disqualifying himself with respect to a matter for which he otherwise has official responsibility, but may avoid personal and substantial participation by doing so.

(c) *"Actually pending".* "Actually pending" means that the matter was in fact referred to or under consideration by persons within the employee's area of responsibility, not that it merely could have been.

Example 1: A staff lawyer in a department's Office of General Counsel is consulted by procurement officers on the correct resolution of a contractual matter involving Q Company. The lawyer renders an opinion resolving the question. The same legal question arises later in several contracts with other companies, but none of the disputes with such companies are referred to the Office of the General Counsel. The General Counsel has official responsibility for the determination of the Q Company matter. The other matters were never "actually pending" under that responsibility, although as a theoretical matter, such responsibility extended to all legal matters within the department.

(d) *Other essential requirements.* All other requirements of the statute must be met before the restriction on representation applies. The same considerations apply in determining the existence of a "particular matter involving a specific party", a representation in an "appearance", or "intent to influence", and so forth as set forth under § 737.5 above.

Example 1: During her tenure as head of an agency, an officer's subordinates undertook major changes in agency enforcement standards involving occupational safety. Eighteen months after terminating Government employment, she is asked to represent Z Company which believes it is being unfairly treated under the enforcement program. The Z Company matter first arose on a complaint filed after the agecy head terminated her employment. She may represent Z Company because the matter pending under her official responsibility was not one involving "a specific party." (Moreover, the time-period covered by 18 U.S.C. 207(c) has elapsed.)

(e) *Measurement of two-year restriction period.* The statutory two-year period is measured from the date when the employee's responsibility in a particular area ends, not from the termination of Government service, unless the two occur simultaneously. The prohibition applies to all particular matters subject to such responsibility in the one-year period before termination of such responsibility.

Example 1: An employee transfers from a position in A Agency to a position in B Agency, and she leaves B Agency for private employment 18 months later. She will be free of restriction insofar as matters under her responsibility at A Agency are concerned. She will be restricted for two years in respect of B Agency matters, which were pending in the year before her departure.

§ 737.9 Two-Year Restriction on a Former Senior Employee's Assisting in Representing as to a Matter in Which the Employee Participated Personally and Substantially or For Which the Employee Had Official Responsibility.

(a) *Basic Prohibition of 18 U.S.C. 207(b)(ii).* No former Senior Employee, within two years after terminating Government employment shall knowingly represent or aid, counsel, advise, consult, or assist in representing any other person in any formal or informal appearance before, (1) the United States, (2) in connection with any particular Government matter involving a specific party, (3) if such matter was actually pending under the employee's official responsibility within one year prior to the termination of such employment or was one in which he or she participated personally and substantially.

[Note.—The regulations and examples in this section will be revised if certain technical amendments to the statute are adopted.]

(b) *Limitation to "representational" assistance in an appearance.* Section 207(b)(ii) is limited to assistance "in representing" another person concerning

an "appearance" before the United States. Different in scope from sections 207(a) and 207(b)(i), it does not bar assistance in connection with an oral or written communication made with an intent to influence. Instead the prohibition relates solely to assistance in preparation for, or performance of, either a formal or informal personal appearance or a written submission in a formal proceeding.

(c) *Managemental Assistance.* The statute does not prohibit a former Senior Employee's assistance to representatives which can reasonably be viewed as customary managemental activity; that is, assistance given by a former Senior Employee to associates or subordinates, in the performance of customary executive, administrative or supervisory duties, as to the content of a program or project under his responsibility, for or funded by the Government, is lawful. Such duties customarily require a manager to make or approve decisions and suggestions as to how, and on what terms, any of the physical or human resources of his organization will be utilized in its performance under any current or proposed Government contract or grant, and to communicate such matters to coworkers, including representatives. The content of a program or project, comprised of the results of such decisions, in turn must be, and may properly be, communicated to the Government by an organization through its representatives. While the former employee should not actually draft documents to be submitted in any appearance if the documents contain argumentative material (except that he may furnish scientific and technological information), he has the right to insure that such documents accurately present information and reflect such decisions made by him or others in the organization. Former Senior Employees may not undertake activities which are prohibited as set forth in paragraph (d).

(d) *Representational Assistance.* The statute prohibits a former Senior Employee from making unfair use of his prior governmental position by assisting in the representation of another by (1) giving specific advice directly to or intended for use by a representative as to how the representation in an appearance should be conducted utilizing specific knowledge which came to him as a government employee,[1] or (2) supplying inside information as to the Government's position on a specific, potentially controverted matter; (3) directly participating in drafting briefs and similar formal documents to be submitted to the Government to obtain a benefit or favorable decision, except that he may give technical and managerial advice and supervision in the preparation of substantive material for, and in the review of, applications and proposals; or (4) preparing forensic or argumentative material (such as testimony, methods of persuasion, or strategy of presentation) to be included in formal documents to be submitted to the Government or to be used in connection with such a submission or an appearance.

(e) *Degree of prior participation or responsibility required.* Section 207(b)(ii) applies to a particular matter in which the employee participated personally and substantially, or which was actually pending under his official responsibility.

[Provisional (e). Will replace (e) above upon technical amendment of the statute: [1]

(e) *Personal and substantial participation required.* This section applies only in cases where the former Senior Employee had personal and substantial participation in the particular matter involved.]

(f) *Measurement of restriction period.* The statutory two-year period is measured from the date when the individual's responsibility as a Senior Employee in a particular area ends, not from the termination of Government service, unless the two occur simultaneously. The prohibition applies to all particular matters subject to such responsibility in the one-year period before termination and to particular matters in which the individual was personally and substantially involved. (See 737.7(e).)

(g) *Other Essential Requirements.* All conditions of the statutory prohibition must be met. Specifically, (1) the former employee must have been a "Senior Employee"; (2) who was involved (see subpart 737.5(c) above) in (3) a "particular matter involving a specific party." (See subpart 737.5(c) above.) The assistance in representing (4) must be representational aid directly concerning a formal or informal appearance before the United States, and (5) involve something more than the furnishing of mere information (not including forensic argument) which is not based on a prior Governmental relationship and unavailable to others.

(h) *General Examples:*

Example 1: A Senior Justice Department lawyer personally works on an antitrust case against Z Company. After leaving the Department, she is asked to discuss legal strategy with lawyers representing Z Company on that same antitrust case, to write portions of a brief and to direct the research of a staff working on the case. Any such aid would be prohibited.

Example 2: A Senior Federal Trade Commission employee, an economist by profession, participates in an investigation involving X Company, and a proceeding is commenced against X Company based on the investigation. After leaving the Commission, he offers to serve as a consultant to the lawyers for X Company on certain economic matters involved in the proceeding. Such consultation is prohibited.

Example 3: A Senior Employee of the Department of the Treasury participates in a number of projects with universities and financial research institutions funded by Government grants. After leaving the Government, she becomes dean of a graduate school of business which performs work under a number of such grants. She may, in the discharge of her duties, supervise research and advise as to how funds under such a contract should be allocated, whether or not these matters are, as is likely, communicated to her former Department by the graduate school's representatives.

Example 4: A Senior Defense Department official participated personally and substantially in a contract award to F Company for fighter planes. After leaving the Department, the former official goes to work for F Company. Subsequently, F company desires to renegotiate prices and a pension provision on the fighter plane contract, matters in which dispute is anticipated. The former official could not advise the lawyers for the contractor on how to obtain DOD approval of that revision. If the approval were already obtained, he could participate in discussions concerning the changes and how they should be implemented.

Example 5: In the preceding example, a different situation arises. F Company believes that changes should be made in the design of the fighter plane, in allocation of work force, in the work schedule and pricing. The former official supervises the division of F Company which is working on this contract. When the former official discusses and evaluates the content of the proposed changes with the contract representatives who will in turn discuss proposals with the Department, such official is discharging a legitimate managerial duty.

Example 6: A Senior Justice Department lawyer personally works on an antitrust case against Q Company, which is represented by Y law firm. Immediately after leaving the Department, she goes to work with Y law firm, and assists the lawyers representing Q Company in a different antitrust case, not involving the allegations in the Government case. Such assistance would not be barred. The assistance does not occur in connection with the same particular matter.

Example 7: A Senior official of the Department of Health, Education, and Welfare leaves to take a university position.

[1] Given the literal language of the statute, the Attorney General believes it cannot be restricted to "specific knowledge which came to him as a government employee". But in the exercise of his prosecutorial discretion, the Attorney General will use the interpretation in this regulation.

[1] **Editorial Note:** Upon passage of the technical amendment to the statute, Provisional (e) will be issued as a final regulation in the **Federal Register** and will replace paragraph (e).

The former official's new duties include various HEW contracts which the University holds, and she sometimes advises the lawyers who represent the University in disputes involving such contracts. Some of the contracts were awarded by a division within HEW which was under her official responsibility. The restriction applies to those matters for which she had official responsibility.

Example 8: A Senior scientist with the Food and Drug Administration was personally and substantially involved in a licensing proceeding concerning a specific drug. After leaving the FDA, he is employed by the manufacturer of that drug. There he engages in research, indicating that the drug is safe and effective, which his employer later provides to FDA in connection with the proceeding. The restriction does not apply because the former official is furnishing scientific information to the Government. (See 18 U.S.C. 207(f) and 737.15 below)

Example 9: A former Senior Employee of the Federal Communications Commission leaves the agency to join a law school faculty. In one of his courses, he discusses, unfavorably to the Commission, a specific licensing case in which he was personally and substantially involved. The restriction does not apply because the conduct does not occur in connection with any representational activities.

§ 737.11 One-Year Restriction on a Former Senior Employee's Transactions With Former Agency on a Particular Matter, Regardless of Prior Involvement.

(a) *Basic prohibition of 18 U.S.C. 207(c).* For a period of one year after terminating Government employment, no former Senior Employee (other than a special Government employee who serves for less than sixty days in a calendar year) shall knowingly act as an agent or attorney for, or otherwise represent, anyone in any formal or informal appearance before, or with the intent to influence, make any written or oral communication on behalf of anyone to (1) his or her former department or agency, or any of its officers or employees, (2) in connection with any particular Government matter, whether or not involving a specific party, which is pending before such department or agency, or in which it has a direct and substantial interest.

(b) *No prior involvement required.* The prohibition contained in this section applies without regard to whether the former Senior Employee had participation in, or responsibility for, the particular matter and includes matters which first arise after the employee leaves Government service. The section aims at the possible use of personal influence based upon past Governmental affiliations to facilitate the transaction of business.

(c) *Specific parties unnecessary.* The particular matter need not be one "involving specific parties", and thus is not limited to disputed proceedings or contracts in which a party has already been identified. However, the restriction does not encompass every kind of matter, but only a particular one similar to those cited in the statutory language, *i.e.*, any judicial or other proceeding, application, request for a ruling or determination, contract, claim, controversy, investigation, charge, accusation, or arrest. Rulemaking is specifically included. Thus such matters as the proposed adoption of a regulation or interpretive ruling, or an agency's determination to undertake a particular project or to open such a project to competitive bidding are covered. Not included are broad technical areas and policy issues and conceptual work done before a program has become particularized into one or more specific projects. The particular matter must be pending before the agency or be one in which the agency has a "direct and substantial interest". (NOTE: Each post-employment activity in the examples in this section is assumed to take place within one year of termination of Government employment).

Example 1: A Senior Employee of the Department of Health, Education and Welfare leaves Government employment for private practice, and shortly thereafter telephones a former associate urging that the Department (a) adopt a new procedure to put a ceiling on hospital costs; (b) not adopt a particular rule proposed for drug testing; and (c) oppose a bill pending in Congress relating to such drug testing. He is prohibited from attempting to influence his former co-worker on any of these matters. The first, not yet pending, is of interest to the Department; the second is pending in the Department; and the third is pending elsewhere, and of interest to the Department. Note that the former Senior Employee may, however, communicate the same views to Congress, other agencies, the public or the press.

Example 2: A recently retired Senior Employee of the Department of Defense believes that the Department's general emphasis on manned aircraft is not in the national interest. After his departure, he may continue to argue the point to the Department.

(d) *Element of controversy or influence required.* The prohibition on acting as a representative or attempting to influence applies to situations in which there is an appreciable element of actual or potential dispute or an application or submission to obtain Government rulings, benefits or approvals, and not to a situation merely involving, for example: the transmission or filing of a document that does not involve an application for Government benefit, approval or ruling; a request for information; purely social or informational communications; or those required by law or regulations (in situations other than adversary proceedings). Each agency should, after consulting with the Director or the Attorney General, as appropriate, give guidance on the kinds of applications, filings and other matters which are not prohibited by section 207(c).

Example 1: A former Senior Employee of the Internal Revenue Service prepares and mails a client's tax return. This is not a prohibited act. Should any controversy arise in connection with the tax return, the former employee may not represent the client, but may be called upon to state how the return was prepared.

Example 2: A former Senior Employee of the Securities and Exchange Commission prepared and transmitted for filing to the Commission a client's annual report on form 10–K. This is not a violation, because the 10–K is a disclosure report, not intended to obtain a Government benefit or ruling.

Example 3: A former Senior Employee of the Securities and Exchange Commission becomes executive vice-president of a major industrial corporation, registered under the Securities Exchange Act of 1934. Pursuant to Commission regulations, the officers of the corporation are required to sign certain filings on behalf of the corporation, which are transmitted to the Commission. The employee may review, concur or request changes in, and sign any such filing required to be transmitted to the Commission.

(e) *Agency activity or interest in matter.* The restriction applies to the former employee's contacts with his former agency in connection with a matter before or of "direct and substantial interest" to, the agency.

Example 1: A former Senior Employee of the Securities and Exchange Commission is asked to represent Z Company in a new matter before the Commission, one in which the former employee had no prior involvement. He may not do so.

Example 2: The matter in the foregoing example is referred to the Department of Justice for prosecution, and the former employee is asked for the first time to represent Z Company in the criminal proceeding. The matter is likely to be of direct and substantial interest to the Commission. If so, the former employee may not communicate with the Commission in the matter. However, the former Senior Employee may communicate with the Commission in order to determine whether it asserts a direct and substantial interest in the criminal proceeding. In the event of a negative answer to the question, the former Senior Employee may communicate with the Commission.

Example 3: In connection with an entirely new matter a former Senior Employee of the Securities and Exchange Commission undertakes the representation of Z Company in private litigation brought by Q Company,

(*e.g.*, a private action arising under the Securities Exchange Act of 1934). Before the suit was commenced, there was no actual expression of interest by the Commission in the matter. As the litigation develops, an important question of statutory interpretation is raised, and the Commission files a brief as *amicus curiae* (friend of the court). The former Senior Employee may respond to the brief and need not withdraw from representation of Z Company, but he may not otherwise communicate with the Commission in the matter. If the Commission were to commence a proceeding or investigation against Z Company on the basis of the same facts involved in the private litigation, the former employee could continue his representation in the private litigation, but could not represent Z Company in the Commission's proceeding until after the expiration of one year from the termination of his employment with the Commission. [Note.—Where an agency becomes a party to a proceeding subsequent to its commencement, the question whether a former Senior Employee may continue representation should ordinarily be decided by the court on a motion for disqualification in the particular circumstances.]

Example 4: In connection with a new matter, a former Senior Employee of the Federal Food and Drug Administration, since retired to private law practice, is asked to consult and assist in the preparation of briefs to be filed with the Administration on a new particular matter. He may do so, but he should not sign briefs or other communications or take any other action that might constitute an appearance.

(f) *Application or proposals for funding of research.* In connection with any application or proposal for Government funding of research, the restrictions of this section do not prevent a former Senior Employee from assuming responsibility for the direction or conduct of such research and from providing scientific or technological information to the Senior Employee's former agency regarding such research. The former Senior Employee may not, however, submit the application on behalf of the applicant or argue for its approval or funding by the agency.

Example 1: A former Senior Employee of the National Institute of Health (NIH), employed by a university, prepares an application to NIH for a research grant. The application is submitted to NIH by the university and lists the Senior Employee as principal investigator. The Senior Employee does not violate 18 U.S.C. 207(c) by preparing the applicaiton or by being listed as principal investigator, since these are not representational activities. He may also sign an assurance to NIH, as part of the application, that he will be responsible for the scientific and technical direction and conduct of the project if an award is made. He may also communicate with NIH to provide scientific or technical information on the application, including presentation to NIH personnel at the research site, so long as he does not argue for approval or funding of the application.

(g) *Personal matters.* Unlike the provisions of Sections 207 (a) and (b) the restrictions of this section apply when the former Senior Employee seeks to represent himself. However, they do not apply to appearances or communications concerning matters of a personal and individual nature, such as personal income taxes, pension benefits, or the application of any provision of these regulations to an undertaking proposed by a Senior Employee. (See 18 U.S.C. 207(i)). A former Senior Employee may also appear *pro se* (on his own behalf) in any litigation or administrative proceeding, involving the individual's former agency. The former employee may not contact his former agency in order to secure an item of business, except for (a) discussions in contemplation of being hired by the agency as a consultant or otherwise; or (b) a proposal to furnish scientific or technological information to the Government.

Example 1: any former Government Employee may contact his or her former agency to seek information or determinations as to matters in question under these regulations or under 18 U.S.C. 207, such as whether a particular matter is considered to have been under the employee's official responsibility, whether a matter is one in which the agency asserts a direct and substantial interest, or whether a current matter is considered to be the same as that in which the employee had been involved.

(h) *Statements based on special knowledge.* The restrictions of the section do not prevent a former Senior Employee from making or providing a statement, which is based on the former Senior Employee's own special knowledge in the particular area that is the subject matter of the statement, provided that no compensation is thereby received, other than that regularly provided by law or regulation for witnesses. (See 18 U.S.C. 207(i).)

Example 1: A former Senior Employee may make any statement of his own views to his former agency on any subject matter in which he has no substantial pecuniary interest, acting on his own behalf.

Example 2: A former Senior Employee is called by his successor at the agency for the purpose of eliciting some information on a matter in which he had been involved in an official capacity. His response is not prohibited.

Example 3: A former Senior Employee may recommend an individual to her former agency for employment, based on her own personal knowledge of the individual's qualifications and character.

(i) *Measurement of one-year restriction period.* The statutory one-year period is measured from the date when the individual's responsibility as a Senior Employee in a particular agency ends, not from the termination of Government service, unless the two occur simultaneously. (See 737.7(e).)

§ 737.13 Designation of separate statutory agencies or bureaus.

(a) *Authority.* Subsection (e) of title 18 U.S.C. 207 provides that the Director may by rule designate as "separate", a statutory agency or bureau which exercises functions which are distinct and separate from the remaining functions of the parent agency of which it is a part.

(b) *Procedure.* Each agency shall, by May 15, 1979, (and by May 15 of every year thereafter) notify the Director, in writing, of any statutory agency or bureau which should be so designated, providing:

(1) A description of the functions of the agency or bureau, indicating the basis on which such functions are claimed to be distinct and separate from the parent organization;

(2) the separate statutory basis of the agency or bureau; and

(3) identification of those positions in the parent agency with official responsibility for supervision of such separate statutory agency and bureau.

(c) *Standards.* A parent agency may propose as a "separate" statutory agency an agency or bureau (1) created specifically by statute, (2) the functions of which are expressly referred to by statute or (3) which is the successor to either of the foregoing; but a decision as to the sufficiency of the statutory authority as well as the separability of functions shall be reserved to the Director.

(d) *Effect of designation.* If a subordinate part of an agency is designated as "separate" by the Director, then Senior Employees of such separate agency and those of the parent agency are not subject to the restrictions of 207(c) as to each others' agencies—except that the prohibition of 207(c) remains applicable to the former head of a "separate" subordinate agency and to former Senior Employees of the parent agency whose official responsibility included supervision of the subordinate agency.

Example 1: A former Senior Employee of the Product Agency leaves and joins a law firm which represents Q Corporation. Product Agency has been designated by the Director as separate from Executive Department. The former employee is not restricted from representing the Q Corporation on a new matter before the Executive Department.

§ 737.15 Exemption for scientific and technological information.

(a) *Exemption.* The making of communications solely for the purpose of furnishing scientific or technological information pursuant to agency procedures is exempt from all prohibitions and restrictions set forth in subparts 737.5–737.11 of these regulations (subsections (a), (b), and (c) of title 18 U.S.C. 207). This exemption allows the free exchange of such information regardless of a former Government employee's prior participation in or responsibility for the matter. The former Senior Employee should not argue for the acceptance of a proposal. The exemption is not limited to communications constituting the furnishing of information, but includes those "for the purpose of" doing so. No violation occurs when, for example, a former Government employee working on a project makes contact to determine the kind and form of information required, or the adequacy of information already supplied, so long as agency procedures are satisfied.

Example 1: A project manager, regardless of prior involvement in a particular matter, may contact the Government to determine deficiencies in system design or performance, furnish scientific or technological information relating to a solution or approach to a problem, seek related information from the Government; advise and supervise others who are involved as to such matters; and meet with Government technical experts for such purpose; provided in each case that there is compliance with such agency regulations as have been issued.

(b) *Necessary information.* Scientific and technological information includes feasibility, risk, cost, and speed of implementation, when necessary to appreciate fairly the practical significance of the information. The Government may and should be fully informed of the significance of scientific and technological alternatives.

(c) *Intent to Influence.* The furnishing of meritorious or convincing scientific or technological proposals does not constitute an intent to influence. (see 737.5(b)(6) above)

(d) *Expert testimony.* This exemption does not include testimony as an "expert" in adversary proceedings in a matter in which the United States is involved or has an interest. Such testimony is governed by regulations set forth in subpart 737.19. As to assistance as an expert or consultant, see 737.9(h), Example 7.

(e) *Agency responsibility for procedures.* The primary responsibility for developing procedures to guide activity under this exemption lies with each agency, so that such procedures comport with the particular characteristics of agency programs and needs. Such procedures will be reviewed periodically by the Director. In promulgating procedures, an agency may take into consideration: limiting communications to certain formats which are least conducive to the use of personal influence; segregating, to the extent possible, meetings and presentations involving matters of technical substance from those involving other aspects of the relationship; requiring that the designated agency ethics official be informed of instances where the exemption is used; or employing more restrictive practices in circumstances involving either immediate competition for contracts or applications for grants than in those involving an ongoing project.

§ 737.17 Exemption for Persons With Special Qualifications in a Technical Discipline.

(a) *Applicability.* A former Government employee may be exempted from the restrictions on post-employment practices if the head of the agency concerned with the particular matter, in consultation with the Director, executes a certification published in the **Federal Register** that such former Government employee has outstanding qualifications in a scientific, technological, or other technical discipline; is acting with respect to a particular matter which requires such qualifications; and that the national interest would be served by such former Government employee's participation.

(b) *When appropriate.* This exemption should generally be utilized only where the former Government employee's involvement is needed on so continuous and comprehensive a basis that compliance with the procedures adopted for the communication of technical information (see 737.15), or other actions to isolate the former Government employee from other aspects of the matter, would be burdensome and impractical.

(c) *Certification authority.* Certification should take place at no lower level than the head of the agency, the deputy thereof, or in the absence of both, the acting agency head. Consultation with the Director shall precede any certification. The exemption takes place upon the execution of the certification, provided that it is transmitted immediately to the **Federal Register** for publication.

(d) *Agency registry.* An agency may establish a registry for current employees, wherein the nature of their qualifications in one or more technical fields is certified after review by a supervisor, as a basis for establishing such qualifications in connection with, and to expedite, a later request for certification, should the necessity for such request arise.

§ 737.19 Testimony and Statements Under Oath or Subject to Penalty of Perjury.

(a) *Statutory basis.* Section 207(h) provides:

"Nothing in this section shall prevent a former officer or employee from giving testimony under oath, or from making statements required to be made under penalty of perjury."

(b) *Applicability.* A former Government employee may testify before any court, board, commission, or legislative body with respect to matters of fact within the personal knowledge of the former Government employee. This provision does not, however, allow a former Government employee, otherwise barred under 18 U.S.C. 207(a), (b), or (c) to testify on behalf of another as an expert witness except: (1) to the extent that the former employee may testify from personal knowledge as to occurrences which are relevant to the issues in the proceeding, including those in which the former Government employee participated, utilizing his or her expertise, or (2) in any proceeding where it is determined that another expert in the field cannot practically be obtained; that it is impracticable for the facts or opinions on the same subject to be obtained by other means; and that the former Government employee's testimony is required in the interest of justice.

(c) *Statements under penalty of perjury.* A former Government employee may make any statement required to be made under penalty of perjury, such as those required in registration statements for securities, tax returns, or security clearances. The exception does not, however, permit a former employee to submit pleadings, applications, or other documents in a representational capacity on behalf of another merely because the attorney or other representative must sign the documents under oath or penalty of perjury.

§ 737.21 Partners of Present or Former Government Employees.

(a) *Scope.* Section 207(g) of 18 U.S.C. prohibits a partner of a current Government employee from acting as agent or attorney before the United States in a particular Government matter in which such Government employee participates, or did

participate, personally and substantially. To the extent such section involves the activities of current Government employees and their partners, it is beyond the scope of these regulations.

(b) *Imputation.* Neither the Act nor these regulations impute the restrictions on former employees to partners or associates of such employees. Imputation of the restrictions of sections 207(b)(ii) and (c) to partners of former employees would be in appropriate for the additional reason that section 207(b)(ii) itself restricts secondary-level activity, and section 207(c) is directed at the exercise of influence personal to the former Senior Employee.

§ 737.23 Officials of a State; Officials of Corporations Created by an Act of Congress and Public International Organizations.

For purposes of sections 207(a), (b) and (c) of title 18 U.S.C.:

(a) An official whose powers are established by the constitution of any State of the United States does not act on half of "any other person" or "anyone" when acting in his official capacity, but rather constitutes the official authority of the State; and

(b) A former employee does not engage in unlawful activity when he acts on behalf of (1) a corporation specifically created by an Act of Congress if any of its directors is currently appointed by the United States; or (2) any public international organization if he serves by nomination or request of the United States or on secondment from any agency.

§ 737.25 Standards and Procedures for Designating Senior Employee Positions Pursuant to 18 U.S.C. 207(d).

(a) *Definitions.* As used in these regulations "Senior Employee" refers to any person specified in or designated pursuant to 18 U.S.C. 207(d); that is, employed by the United States:

(1) At a rate of pay specified or fixed according to subchapter II of chapter 53 of title 5, U.S.C., generally known as "Executive Level",

(2) In a position in any pay system for which the basic rate of pay is equal to or greater than that for GS–17 as prescribed by 5 U.S.C. 5332, and who has significant decision-making or supervisory responsibilities, designated by the Director, pursuant to paragraph (b) below,

(3) On active duty as a commissioned officer of a uniformed service in a pay grade of 0–7 or above as described in section 37 U.S.C. 201; or

(4) In such other position that has significant decision making responsibilities or duties substantially similar to those referred to in subparagraph (2) above and is designated by the Director pursuant to paragraph (b) below.

(b) *Designation procedures.* The following procedures will be followed in designation of Senior Employee positions pursuant to 18 U.S.C. 207(d) (2) and (4):

(1) *Positions at GS–17 and 18 level and Senior Executive Service.* The following will be designated effective October 1, 1979, unless exempted as provided below: all positions classified at GS–17 or above in the General Schedule; those in any other pay system, the rate of pay for which is at least that of grade GS–17; and those in the Senior Executive Service. Each agency head shall submit to the Director, by May 15, 1979 (and on every May 15 thereafter), a report consisting of: (i) a description of all positions as set forth above; (ii) the agency's recommendation as to those positions that should not be designated, based on standards established in these regulations or any other reason; and (iii) the basis and reasons for each such recommendation. After making such additional inquiries as appear desirable, the director will determine which positions should be exempt. Initial exemptions will be made approximately July 15, 1979. Notwithstanding the foregoing, the effective date for Executive Level positions, whether or not included in the Senior Executive Service, is July 1, 1979.

(2) *Other positions.* Positions other than those noted in paragraph (1) above, may be designated as follows: Each designated agency ethics official shall submit to the Director, by June 30, 1979 (and on every June 30 thereafter), a list of such positions which involve significant decision-making authority or other duties substantially similar to those exercised by persons whose grade or position is referred to in subparagraph (b)(1), together with a statement in each case as to whether and why the position should or should not be designated. After making such additional inquiries as appear desirable, the Director may designate certain positions. Initial designations will be made before September 30, 1979, effective as of a date to be set at such time.

(3) *Standards for designation and exemption.* Positions, or classes of positions, which do not have significant decision-making or supervisory responsibility will be exempted from designation. Initial exemptions will be retroactive. Classes of positions which may be considered for exemption are those in which decision-making responsibility does not regularly extend to major policy issues within the agency or in which supervisory responsibility extends to less than all of a directorate, bureau or department which has major policy or operational responsibility. The foregoing may include, without limitations, special assistants, technical and professional advisors to persons who make policy decisions, those involved primarily in research and technical work, and administrative law judges. No position will be designated pursuant to subparagraph (b)(2) above unless it involves significant decision-making authority, or duties which are substantially similar to those exercised by persons designated, pursuant to subparagraph (b)(1) above and not exempted.

Note.—Notwithstanding the foregoing, no designations will be made for purposes of 18 U.S.C. 207(b)(ii) until after final action on a proposed technical amendment to conform the language of such subsection to the requirement that it apply only to a matter in which the former employee participated personally and substantially.

(4) *Senior Executive Service.* The establishment of positions within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978 is the responsibility of the Office of Personnel Management. The choice of an individual to enter or not to enter the Senior Executive Service is not a relevant factor in the designation under these regulations of a position held by such person.

(5) *"Rate of pay".* As used in the definition of Senior Employee, the "rate of pay" is that specified by or pursuant to law without regard to the ceiling limitations of section 5308 or 5373 of title 5 U.S.C.; except that an individual in an executive level or GS–17 or 18 position is deemed to be employed at the rate of pay specified for that position. Increases in pay due to "steps" are not considered in determining pay grade or level.

(c) *Differential designation.* Where appropriate, the Director may designate positions for purposes of 18 U.S.C. 207(c) without designating the positions for purposes of 18 U.S.C. 207(b)(ii).

Example 1: **It may be determined that a given position or class of positions will be restricted as to contact in the first post-employment year, but not as to assisting in representation.**

(d) *Fair notice of designation.* No designation made pursuant to 18 U.S.C. 207(d) (2) or (4) will be effective until the last day of the fifth full calendar month after the first publication of a notice by the Director of intention to designate; except as indicated in paragraph (i)

below, and as to a person first occupying the position after such notice is published. The designation in paragraph (b)(1) above constitutes notice.

(e) *"Acting" or temporary positions.* An individual may serve in a position designated pursuant to 18 U.S.C. 207(d) for up to sixty days in an "acting" or temporary capacity without being subject to those restrictions which specially apply to such positions, unless such individual (1) was transferred or detailed from another designated position, or (2) without a significant break in continuity, is named permanently to such position.

(f) *Special Government Employee.* A Special Government Employee who serves on sixty days or less in a given calendar year may serve in a designated position without being subject to the restrictions which specially apply to such position. A Special Government Employee is deemed to serve only on those days actually engaged in work for the Government under his or her Special Government Employee arrangement.

(g) *Publication.* Positions exempted by the Director pursuant to 18 U.S.C. 207(d)(2) and designated pursuant to 18 U.S.C. 207(d)(4) will be published in the **Federal Register,** and from time to time may be added to Appendix A and Appendix B respectively, of these regulations.

(h) *Computation of time.* An individual who transfers from a designated position to one that is not designated shall compute the commencement of the time periods contained in 18 U.S.C. 207 (b)(ii) and (c) from the time of such transfer, except as indicated in paragraph (i) below.

(i) *Position shifting.* In any case where a person transfers from a designated position to one that is not, the agency head shall within one month transmit to the Director a report reciting the functions of each position, the reason for the transfer, the identities of the prior holder of the position assumed and the successor, if any, to the position departed. If the Director designates the newly assumed position pursuant to sections 207(d) (2) or (4) of title 18 U.S.C., such designation shall be effective retroactively to the date of transfer notwithstanding paragraph (d) above.

(j) *Revocation of Designations.* In the event the Director determines that a position previously designated should not have been, the designation will be revoked. The revocation may be made retroactive if the initial designation is determined to have been erroneous or if there is a change in standards for designation applicable to the position. Retroactive effect will not be given where the basis for revocation is a change in the functions or importance of a position.

§ 737.27 Administrative Enforcement Proceedings.

(a) *Basic procedures.* The following basic guidelines for administrative enforcement of restrictions on post-employment activities are designed to expedite consultation with the Director as required pursuant to section 207(j) of title 18 U.S.C.

(1) *Delegation.* The head of an agency may delegate his or her authority under this subpart.

(2) *Initiation of administrative disciplinary hearing.* (i) Whenever an agency has determined after appropriate review that there is reasonable cause to believe that a former Government employee has violated any of these regulations or 18 U.S.C. 207 (a), (b), or (c), it may initiate an administrative disciplinary proceeding by providing the former Government employee with notice as defined in subparagraph (c). Agencies may establish procedures to protect the privacy of former employees as to allegations made prior to a determination of sufficient cause to initiate an administrative disciplinary hearing.

(ii) On receipt of information regarding a possible violation of 18 U.S.C. 207, and after determining that such information appears nonfrivolous, the agency head shall expeditiously provide such information, along with any comments or agency regulations, to the Director and to the Criminal Division, Department of Justice. The agency should coordinate any investigation on administrative action with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the agency that it does not intend to initiate criminal prosecution.

(3) *Adequate notice.* (i) An agency must provide a former Government employee with adequate notice of an intention to institute a proceeding and an opportunity for a hearing.

(ii) Notice to the former Government employee must include:

(A) A statement of allegations (and the basis thereof) sufficiently detailed to enable the former Government employee to prepare an adequate defense;

(B) Notification of the right to a hearing; and

(C) An explanation of the method by which a hearing may be requested.

(4) *Presiding official.* (i) The presiding official at proceedings under this subpart shall be the agency head or an individual to whom the agency head has delegated authority to make an initial decision (hereinafter referred to as "examiner").

(ii) Appropriate qualifications shall be established for examiners.

(iii) An examiner shall be impartial. No individual who has participated in any manner in the decision to initiate the proceedings may serve as an examiner in those proceedings.

(5) *Time, date and place.* (i) The hearing shall be conducted at a reasonable time, date, and place.

(ii) In setting a hearing date, the presiding official shall give due regard to the former Government employee's need for:

(A) Adequate time to prepare a defense properly, and

(B) An expeditious resolution of allegations that may be damaging to his or her reputation.

(6) *Hearing rights.* A hearing shall include, at a minimum, the following rights:

(i) To represent oneself or to be represented by counsel,

(ii) To introduce and examine witnesses and to submit physical evidence,

(iii) To confront and cross-examine adverse witnesses,

(iv) To present oral argument; and

(v) To a transcript or recording of proceedings, on request.

(7) *Burden of proof.* In any hearing under this subpart, the agency has the burden of proof and must establish substantial evidence of a violation.

(8) *Hearing decision.* (i) The presiding official shall make a determination exclusively on matters of record in the proceeding, and shall set forth in the decision all findings of fact and conclusions of law relevant to the matters at issue.

(ii) Within a reasonable period of the date of an initial decision, (as set by the agency) either party may appeal the decision to the agency head. The agency head shall base his or her decision on such appeal solely on the record of the proceedings or those portions thereof cited by the parties to limit the issues.

(iii) If the agency head modifies or reverses the initial decision, he or she shall specify such findings of fact and conclusions of law as are different from those of the hearing examiner.

(9) *Administrative sanctions.* The agency head may take appropriate action in the case of any individual who was found in violation of 18 U.S.C. 207 (a), (b), or (c) or these regulations after a

final administrative decision or who failed to request a hearing after receiving adequate notice, by:

(i) Prohibiting the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, such department or agency on any matter of business for a period not to exceed five years, which may be accomplished by directing agency employees to refuse to participate in any such apearance or to accept any such communication;

(ii) Taking other appropriate disciplinary action.

(10) *Judicial review.* Any person found to have participated in a violation of 18 U.S.C. 207 (a), (b), or (c) or these regulations may seek judicial review of the administrative determination.

(11) *Consultation and Review.* Each agency shall submit a copy of its procedures for administrative enforcement to the Director.

§ 737.29 Effective date of restrictions.

(a) *Persons affected.* Any person who holds a Government position after June 30, 1979, becomes subject to any additional restrictions relating to the holder of that position contained in the amendments to 18 U.S.C. 207 as set forth in these regulations. Restrictions which depend on the designation of a position by the Director shall become applicable on the date such designation becomes effective.

(b) *Fair notice of substantive changes.* No change in the substance of these regulations shall become effective with respect to a Government employee who is adversely affected by such change until and unless such employee remains in a position to which such change is applicable for a period of five months following the first publication of a regulation in final form, reflecting or prescribing such change, or unless such employee accepts such a position after the publication.

Appendix A [Reserved]

Note.—Appendix A reserved for Section 207(d)(2) exemptions.

Appendix B [Reserved]

Note.—Appendix B reserved for Section 207(d)(4) designations.

Appendix C [Reserved]

Note.—Appendix C reserved for Section 207(e) designations.

Beverly M. Jones,

Issuance System Manager, Office of Personnel Management.

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APRIL 3, 1979

Part IX

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act Regulations; Final Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 675, 676, 677, 678, 679

Comprehensive Employment and Training Act Regulations

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The document contains final regulations for programs under Title I, II, VI, and VII of the Comprehensive Employment and Training Act. The purpose of this document is to implement changes made by the Comprehensive Employment and Training Act Amendments of 1978.

The Comprehensive Employment and Training Act, first enacted in 1973, authorizes a combination of programs which are designed to provide specific employment and training services needed to prepare and place eligible individuals in unsubsidized employment. The administrative provisions in Title I of the Act generally apply to all CETA activities. The regulations for Title I are set forth at Part 676, except as noted. Title II of the Act includes activities and programs for the structurally unemployed. The regulations for Title II are set forth at Part 677. Title VI of the Act, the regulations for which are set forth at 678, is designed to provide short term public service jobs to low income persons who are temporarily out of work because of economic conditions causing a contraction of the job market. Title VII of the Act, the regulations for which are set forth at Part 679, authorizes new initiatives in developing private sector opportunities for the economically disadvantaged by the involvement of the business community and other efforts to increase employment opportunities in the private sector.

The programs under Titles II, VI, and VII of the Act are administered by units of State and local governments. The regulations for these programs are being promulgated together in this document.

EFFECTIVE DATE: April 1, 1979.

FOR FURTHER INFORMATION: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, Telephone (202) 376–6254.

SUPPLEMENTARY INFORMATION:

Background

A principal goal of the Department of Labor has been the publication of regulations which are as easy to use and understand as possible, considering the requirements of the statute and the management needs of the system. As a result, the regulations contain a comprehensive administrative Part 676, reducing, and in many cases eliminating, the need for repetition of generally applicable provisions. To the extent possible, jargon has been eliminated, and the requirements are written in plain English. Cross references within the regulations and to other laws have been kept to a minimum. Sections dealing with participant eligibility, nondiscrimination, and prevention of fraud and abuse have been consolidated.

Many sections of the final regulations have been reduced in size to eliminate unnecessary detail found in the proposed regulations. In addition, in an effort to make the regulations more easily understandable, some of the longer sections of the regulations have been divided into several clearly separated subsections.

The regulations included in this publication will amend Chapter 5 of Title 20 of the Code of Federal Regulations by adding Parts 675 through 679. These regulations supersede the regulations at 29 CFR Parts 93, 95, 96, and 99, and the regulations at 29 CFR Parts 94 and 98 to the extent that the regulations at 29 CFR Parts 94 and 98 governed programs under Titles II, VI and VII of the Comprehensive Employment and Training Act.

The recordkeeping and reporting requirements contained in these regulations and in the associated Forms Preparation Handbook have been submitted to the Office of Management and Budget for clearance as required by the Federal Reports Act (44 U.S.C. 3501 et seq.).

The Office of Management and Budget has provided interim clearance for the requirements in the regulations under OMB number 44–R1655, thereby approving the prime sponsor planning procedures in the regulations for FY 1980. It has taken this action based on its review of earlier versions of the regulations in order to facilitate the orderly and timely implementation of the CETA amendments of 1978 in accordance with the statutory time schedule. In providing this clearance, OMB intends to continue its review of these recordkeeping and reporting requirements and to seek public comments in this process. The Department of Labor will notify the public by **Federal Register** publication of any modifications in these requirements which may result from the review, as may affect planning for FY 1981 programs.

In additions, the nondiscrimination section of these regulations at Part 676, subpart D has been sent to the Equal Employment Opportunity Commission for coordination pursuant to Executive Order 12067. Any modifications deemed necessary will be published shortly in the **Federal Register.**

Departmental grant regulations are being published in the **Federal Register** in the very near future. These contain requirement for all Departmental grants including those under CETA. The Departmental regulations will take into consideration the comments, received on the proposed CETA regulations as well as comments received last summer, when the Grant regulations were proposed for comment in the **Federal Register.** (43 FR 26042, June 16, 1978)

Major Objectives

In developing these regulations, the Department has had a series of major objectives which are intended to enhance the effectiveness of CETA programs. These include targeting services to persons most in need; ensuring comprehensive planning and delivery through coordination of the various employment and training activities; focusing on the transition of participants into unsubsidized employment; providing for improved management control to ensure the integrity and efficiency of the program and to prevent program fraud and abuse. Regulatory provisions dealing with these objectives are discussd in the following paragraphs.

Targeting Services to Persons Most In Need

The eligibility criteria for prime sponsor progams under Titles II, IV, VI and VII are consolidated in § 675.5 of the regulations. For each program, a person must meet eligibility criteria based on both income and employment status. Furthermore, service is to be provided equitably to the significant segments of the eligible population (age, race, sex and national origin groups). Special consideration must be given to Vietnam-era and disabled veterans and to public assistance recipients as described in § 676.30(a).

Within the eligible population for each program, efforts must be made to serve those most in need. This will be accomplished not only through intake and assessment procedures, but also through designing jobs in public service

employment programs to accommodate lower income and lower skilled persons.

Coordination of Planning and Delivery of Services

New requirements for planning provide for a much more extensive involvement of groups and organizations within the community concerned with employment and training activities. This includes private employers, the educational system, organized labor, community based organizations (CBO's), State employment security agencies (SESA's) and other such groups. All such groups are to be involved in planning as described in § 676.7.

Transition Into Unsubsidized Employment

A number of new provisions mandate a strengthened effort to transition CETA participants into unsubsidized employment. Increased involvement of the private sector is required through the establishment of Private Industry Councils, which will be involved not only in planning but also in the administration of programs.

New efforts are to be undertaken to transition public service employment participants into unsubsidized jobs through training, counseling and other services. Individualized employability plans are required to be developed for participants in Title II programs, to assist in guiding participants through CETA activities and into unsubsidized employment in a more effective manner.

Prevention of Fraud and Abuse through Improved Program Management

Central to improving the effectiveness of CETA programs is the development of a strengthened management capacity. Prime sponsors are required to implement monitoring and eligibility determination systems to eliminate fraud and abuse and the hiring of ineligible participants in the program. Assessment systems to continually assess program effectiveness are required for correcting problems and enhancing program planning. An improved complaint system will serve to make the program more responsive to problems. Part 676, Subpart E consolidates requirements aimed at preventing program fraud and abuse. Included are new requirements for prime sponsors to establish independent monitoring units, as well as new provisions regarding program abuses such as political activities, conflicts of interest, kickbacks, lobbying, and child labor.

Discussion of Major Comments and Changes

The development of the regulations has included significant and regular input from different segments of the CETA system. Meetings were held in Washington, D.C. in August, November, December, February, and March with representatives of public interest groups, organized labor, prime sponsors, private industry groups, federal agencies, community based organizations and other groups. Meetings were also held in each region with regional and prime sponsor staff and interested organizations. These meetings were held to involve these groups in the regulation development process, and to review the proposed regulations published on January 19, 1979.

By including these groups in the process from the beginning, the Department sought to ensure a final product which would be responsive to the needs of the CETA system, and which could be implemented quickly and effectively.

The proposed regulations were published for a 30 day review and comment period. The Department received approximately 450 written comments on the proposed regulations. This allowed the Department an opportunity to receive and reconcile comments from a nationwide audience prior to publishing these final regulations. This publication schedule also served to orient the CETA system and the general public to the amendments to the law, and provided guidance for planning and modifying existing plans in order to comply with the new amendments.

The most significant issues raised by the commenters were as follows:

Definition of Economically Disadvantaged

The proposed regulations in § 675.4 defined as economically disadvantaged a handicapped individual with a family income of 100 percent or less of the lower living standard income level. Many comments were received from a number of different groups contending that handicapped individuals should be considered economically disadvantaged without regard to their financial status.

The Department agrees with the commenters. As with clients of sheltered workshops and persons confined to institutions or receiving community care, handicapped individuals will not be required to meet an income level to be considered economically disadvantaged, provided their handicaps present substantial barriers to employment.

Vietnam-era Veteran Definition

The proposed regulations defined Vietnam-era Veteran in Section 675.4 as a veteran under 35 years of age who served on active duty between August 5, 1964, and May 4, 1975 and was discharged or released within four years preceding application. A number of comments were received questioning the four year limitation contained in the definition. The Department agrees with the commenters. This restriction was inadvertently included in the proposed regulation and has been deleted from the regulations to conform to the statutory definition.

Eligibility Determination

The proposed regulations included several provisions regarding new eligibility criteria and procedures for determining eligibility. Numerous comments were received on whether eligibility was to be determined at the time of application or enrollment. Other comments requested clarification on the procedures for eligibility determination.

These final regulations clarify that participant eligibility may be determined at the time of application, so long as there is an intervening period of no longer than 45 days prior to enrollment and the applicant does not receive a full time permanent unsubsidized job during that intervening period.

These regulations also more clearly delineate the three step eligibility determination procedure of first, obtaining a full and complete application, the contents of which are stipulated in these regulations; second, reviewing of all applications for accuracy and consistency within 30 days of enrollment; and third, conducting a sample verification on a quarterly basis to ascertain that the information on the application is true. § 676.75–3 clarifies the sample size for eligibility verification and indicates that full instructions on eligibility determination requirements are to be included in the Forms Preparation Handbook.

Eligibility for Upgrading

The proposed regulations required in § 675.5–3 that upgrading programs are to be directed at persons operating at less than full skill potential in entry level unskilled or semi-skilled positions. A number of comments were received asking for clarification of these terms and the inclusion of appropriate minimum documentation requirements for determining eligibility for upgrading programs.

The Department believes that more detailed regulations at this time regarding eligibility for upgrading would unnecessarily limit the flexibility of prime sponsors in carrying out upgrading programs and would not be in keeping with the demonstration nature of the program. The proposed regulations, therefore, have been retained in the final regulations.

Residency

The proposed regulations stated in § 675.5 that a program agent may not hire persons outside of its jurisdiction nor may the prime sponsor hire persons from within the program agent's jurisdiction.

The Department received several comments that this requirement unduly restricts the flexibility of the prime sponsor to establish local priorities for service.

The Department is retaining the approach contained in the proposed regulations since this requirement assures an equitable distribution of resources within prime sponsor areas, as provided by the allocation formulas in the Act.

Grant Procedures

A number of comments were received from prime sponsors protesting the increase in information required in the Comprehensive Employment and Training Plan. In addition, many commenters expressed concern that information required in the Annual Plan Subparts was duplicative in nature.

The Department involved prime sponsor and regional office staff in the development of the grant requirements. The new Comprehensive Employment and Training Plan has been developed to minimize the paperwork burden on prime sponsors while at the same time assuring that the additional information required by the new amendments to the Act is included. The regulations have been revised to eliminate duplication in the grant information requirements. The Department will make every effort to analyze the impact of the grant procedures on the FY 1980 grant development process so as to consider further simplification in subsequent years.

OJT Streamlining

The comments received on the streamlining of the on-the-job training requirements were generally favorable to the provisions of the proposed regulations. There was some confusion as to what requirements in the proposed regulations applied to public sector OJT, and a general belief by the commenters that private and public OJT should be treated identically. The final regulations in § 676.25–2 now specify that private and public sector OJT are subject to the same requirements, with the exception of public sector OJT agreements entered into prior to April 1, 1979.

Outstationing

The proposed regulations included a restriction on the practice of allowing prime sponsors to outstation PSE and work experience participants with other prime sponsors and program agents.

A few commenters stated that the regulations did not go far enough in prohibiting outstationing. These commenters stated that prime sponsors presently use outstationing as a way to deny benefits to CETA participants, or to camouflage maintenance of effort violations, and that outstationing results in less transition of participants into unsubsidized jobs. A large number of comments were received generally opposing restrictions on outstationing. These commenters stated that the proposed regulations would impose unnecessary restrictions on the administrative flexibility of prime sponsors, and would impose additional costs on prime sponsors which have centralized payroll systems.

Based on a consideration of the comments, the Department has modified the proposed restriction on outstationing to allow outstationing of work experience participants, since such participants are generally not required to receive comparable wages and benefits, and therefore would likely not be outstationed to avoid such comparability requirements. The regulations do provide general constraints on PSE outstationing, but indicate that outstationing is permissible where the worksite lacks the capability to be an employer, where it would impede the implementation of the program by requiring an excessive number of subgrants with smaller worksites or where wages, benefits, or working conditions of PSE enrollees are the same or substantially similar to those of regular workers at the worksite. Prime sponsors shall specify in their plan for the grant officer's approval how planned outstationing meets such requirements.

The final regulations also provide that consortium administrative arms which are not units of general local government may outstation when the wages and benefits of the participant's are the same as comparably employed regular workers, when the local bargaining agent concurs, and where the site is a jurisdiction of 50,000 population or less.

Retirement Benefits

Several comments were received on § 676.28 of the proposed regulations, which set forth the conditions under which CETA funds could be used to pay retirement benefits. Most of the commenters did not disagree with the basic policy of the proposed regulation, that is, that CETA funds could be used for contributions to retirement systems or plans only when such contributions bear a reasonable relationship to the cost of providing benefits to participants. Most of the commenters were also supportive of the concept that CETA participants should be considered as benefiting only if they are vested in the retirement system or plan, (i.e., will not forfeit the contributions made on their behalf) or if they obtain unsubsidized employment with an employer whose retirement system or plan credits the time spent in CETA participation towards benefit entitlements.

On the other hand, most of the commenters stated that the regulation should be re-written to clarify the methods by which CETA funds could legally be expended (costed). The Department, therefore, has re-written the regulation to clearly set forth the methodology whereby CETA funds may legally be expended using the vesting, actuarial, reserve account/buy back, and alternative methods.

Some commenters requested that the regulations allow CETA funds to be used for the full costs of a package of benefits when the package of benefits includes retirement. The commenters stated that it might be less expensive to leave the CETA participants in the retirement system than to exclude them (as allowed by the proposed regulations) and thereafter buy health, death and disability policies only for the CETA participants.

The Department does not agree with these comments. The Department believes that the statutory language precludes the use of CETA funds for retirement contributions except for CETA participants who can be expected to benefit from the retirement system or plan. The Department, moreover, believes that it would be contrary to the reasonable cost principles of the Federal Procurement Regulations (see § 676.40) for a prime sponsor to exclude CETA participants from the health, death and disability coverage of a benefits package, only to then purchase separate, more expensive coverage for these items for only CETA participants. The

Department, therefore, believes that prime sponsors which choose to exclude CETA participants from the retirement portion of benefit packages should modify their benefit packages so that CETA participants are still covered by the benefit package for all items except retirement.

Average Wage Provisions

Numerous comments were received expressing concern regarding the impact of the average wage provisions on PSE programs. Questions were raised regarding the manner in which the wage index is developed and applied to areas, and the procedures by which prime sponsors are to compute their specific compliance with the average wage.

The Department has very carefully considered the comments and possible options for facilitating the implementation of the average wage provisions. These regulations do not contain the specific procedures for the development of the index or the manner in which it applies to local areas. Any changes to such procedures will be published separately from these regulations.

New procedures are included at § 676.26–1(c)(3) which provide that computations are to be based on payments received per month, treated as though participants where in full time positions. Payments for training can be included, so long as PSE represents at least 50% of an individual's participation.

Extensions of PSE Enrollment

The proposed regulations, in S676.30(j) stated that prime sponsors may request an extension of PSE enrollments where unusually severe hardships hinder transisting PSE participants into unsubsidized employment. A number of commenters construed this provision to mean that individual waivers would be required for each PSE participant in need of an extension. The commenters generally felt that an individual waiver system would be administratively cumbersome.

The Department agrees with the commenters. The final regulations have been clarified to state that where unusually severe hardships hinder transisting PSE participants into unsubsidized jobs, waivers may be submitted and extensions granted for groups of PSE participants within the prime sponsor's area who are similarly situated. Additionally, time periods have been extended to allow for timely prime sponsor requests and responses by regional offices. Prime sponsors are also encouraged to meet with regional staff to plan transition efforts and to discuss anticipated problems which may result in requests for waivers. Plans are also required of prime sponsors describing efforts to transist participants into unsubisidized employment both before and after extensions.

Audit Provisions

A number of comments were received which suggested that the regulations set forth the circumstances under which prime sponsors would be required to participate in unified audits. Meetings with local, State, and federal officials were held to discuss the most reasonable approach for instituting unified audits. The procedures for unified audits have not been entirely determined. Consequently, the final regulations do not specifically require implementation of unified audit provisions. The Department will provide further guidance to prime sponsors at a later date.

Equitable Service to Significant Segments

The proposed regulations provided that prime sponsors must plan levels of service to the significant segments of their eligible populations (age, race, sex, and national origin groups), taking into consideration the employment and training needs of persons from those groups. The proposed regulations also provided that prime sponsors must justify in their Annual Plan any planned levels of service to any of these groups which varied by more than 15 percent from the group's incidence in the eligible population.

The Department of Justice and other commenters stated that prime sponsors should be required to justify any variance between the planned levels of service for a significant segment and the significant segment's population of the eligible population. On the other hand, many commenters stated that prime sponsors should be able to serve severely disadvantaged groups, such as inner city minority youth, even if such planned service exceeds by more than 15 percent the proportion of the target group in the eligible population.

The Department does not believe that the above concerns are contradictory. The statute requires that significant segments be *equitably* served. This does not mean, as some commenters assumed, that they be served *equally*, that is, in exact proportion to their incidence in the eligible population. Section 121(b)(1)(A) of the Act states:

"Employment and training opportunities for participants shall be made available by prime sponsors on an equitable basis *in accordance with the purposes of the Act* among significant segments of the eligible population *giving consideration to* the relative number of eligible persons in each such segment" (Emphasis added).

The purposes of the Act are many. They include engaging in affirmative action for the handicapped, giving special consideration to disabled and Vietnam-era veterans and public assistance recipients, giving special emphasis to target groups listed in the Act, and, overall, serving those most in need.

The Department, therefore, has re-written the equitable service section of the regulations, § 676.54, to describe the process to be followed by prime sponsors to assure that "equitable service to significant segments" is the end result.

Prime sponsors must plan services, first taking into consideration the incidence of each significant segment in the eligible population. Thereafter, if planned services to veterans, welfare recipients, youth, or other target groups result in a variance of any degree (large or small) with respect to any significant segment, the prime sponsor must justify this in the Annual Plan. Once a plan is approved, corrective action will be taken by Regional Administrators if actual service to a significant segment varies by more than 15 percent from the levels approved in the Annual Plan.

Political Activities

The proposed regulations expanded the prior CETA regulations by stating in § 676.69 that CETA participants shall not be employed in, or outstationed to, a legislative committee or staff, or the office of an elected executive official or chief executive officer or officers of a State or a unit of general local government.

Many comments were received from persons and groups who believed that the proposed regulations were too restrictive and that many non-political positions exist in these offices that should be acceptable positions for CETA participants.

The proposed regulations have been revised to continue the prior policy of allowing participants to work at non-political activities within the offices of elected or appointed executives with the proviso that no participant may work in the immediate office of chief elected executive officials. The placement of CETA participants in positions in the offices of other elected executive officials will be controlled by specifically requiring prime sponsors to describe how such positions will be effectively separated from any political functions. The Department, however,

believes that it is extremely important that political activities, including the appearance of political activities, be removed from the CETA program. Consequently CETA participants may no longer be placed on legislative committees or in the immediate offices of chief elected executive officials, since these local officials are the most prominent and visible local elected officials, and are, therefore, most susceptible to charges of using CETA participants for political purposes or as political patronage. The regulations do provide, however, that an exception may be made with prior national office approval for positions in offices of chief elected officials in rural prime sponsor areas, or where a position is technically in such office, but clearly in a programmatic and non-political activity. Since these regulations are being made effective almost upon publication, the Department, in order to avoid disruptive layoffs in certain areas, will allow prime sponsors until June 1, 1979 to remove participants from such positions.

Prior CETA regulations prohibited the placing of participants in any position involving political activities, in the offices of Members of Congress and of local legislators, and in legislative capacities on the staff of legislative committees. The final regulations continue these prohibitions, and the June 1, 1979 effective date, cited above, does not apply to such participants.

Complaints

The Department received many comments on the complaints process as proposed in Section 676, Subpart F. Generally, the commenters contended that the complaints sections were overly legalistic and very hard for other than the lawyers to understand. Many commenters stated that the implementation of the detailed procedures proposed for prime sponsors would be time consuming and would raise administrative costs for prime sponsors. Other commenters stated that, contrary to the Department's interpretation in the proposed regulations, sec. 106(1) of the Act allows the filing of suits alleging violations of CETA, including alleged violations by the Secretary, in Federal District Court without exhaustion of CETA administrative remedies.

The regulations have been edited to make them easier to understand. In addition, the complaint procedure at the prime sponsor level has been revised to clearly set forth the separate grievance procedure required by section 106(a)(2) of the Act. The Department believes that a certain amount of detail is needed to assure basic due process to complainants, and to assure that prime sponsor procedures produce an adequate record that is sufficient for review when the complaint gets to the Federal level. Under the former regulations which were basically the same in substance but were sparing in detail, some prime sponsors had inadequate complaint systems which resulted in a failure to ensure basic due process and adequate records.

The Department believes the proposed regulations properly interpreted sec. 106(l) of the Act as allowing the use of other remedies, such as those under Title VII of the Civil Rights Act, whenever an action which is complained of constitutes both a violation of CETA and of another law. This principle is the same as that contained in sec. 132(d) of the Act which, it should be noted, has been in the Act since 1973). The Department does not believe that Congress set up an elaborate complaint system, including a local procedure limited to 60 days, only to make such a system unnecessary by adding Sec. 106(l). To interpret sec. 106 (l) as allowing direct suits in local, State and Federal Courts would also contradict sec. 107, which explicitly provides for Court of Appeals review after exhaustion of administrative remedies. Finally, the interpretation of the Act, the regulations, and the grant agreements by a multiplicity of local, State and Federal courts would result in a variety of interpretations throughout the country, thus hindering the uniform and effective administration of the program. Nothing in this section, however, shall abridge the rights of participants under other statutes.

Special Governors Grant Administrative Funds

The proposed regulations in § 677.39(g) stated that Governors may retain the minimum amount of vocational education assistance funds necessary to carry out the Governors' responsibilities. There were numerous comments which stated that, in order to assure that adequate funds are pased through to insure that vocational education boards can fulfill their responsibilities, further constraints should be placed on the amount of funds which may be retained by Governors.

Based on the comments, the regulations have been clarified to state that Governors may retain only the nominal amount of funds necessary to provide for administrative costs, such as proper fiscal and reporting controls and monitoring, in passing the funds through to vocational education boards. There were also questions whether Governors could retain administrative funds to undertake the coordination and linkage activities described at § 677.39(f). The final regulations do not allow Governors to retain funds for this purpose.

Employment Generating Services

The proposed regulations in § 679.5 (now renumbered as 679.6) regarding employment generating services in the Private Sector Initiative Program under Title VII of the Act generated two areas of comment, both of which have been addressed in the final regulations. First, some commenters requested clarification as to whether or not these provisions applied to activities under other Titles of the Act which are similar to activities authorized under Title VII. The final regulations clarify that this is not the case; employment generating services pertain only to programs funded under Title VII. Secondly, commenters suggested that the proposal that 50% of Title VII funds could be used for employment generating services was too generous.

In order to ensure that most Title VII funds are expended to provide direct employment and training activities and services to participants, the final regulations state that no more than 30% of Title VII funds, excluding funds used for administration, may be used for employment generating services.

Role of the Private Industry Council

There was extensive comment on the role of the private Industry Council (PIC). Many of the commenters contended that the proposed regulations granted undue authority to the PIC, thereby impinging on the authority of the prime sponsor. Some commenters were also concerned about potential problems if the PIC actually operates programs. Comments from the business sector, however, suggested that the regulations should explicitly define a stronger role for the PIC.

The Department believes that prime sponsors and the business community should work together to jointly achieve the goals of Title VII. The regulations have been clarified to emphasize that the PIC and the prime sponsor should mutually determine program content, and to more clearly delineate the authority of the PIC within the context of the prime sponsor's overall program responsibility.

Moreover, since most of the provisions in the regulations regarding the role of the PIC are generally suggestive rather than prescriptive, there is substantial flexibility for each prime sponsor and PIC to develop a role

that is appropriate to local circumstances. Prime sponsors and PICs must both agree to a PIC's assumption of any program operation functions, and any problems that arise with respect to the role of the PIC should be resolved locally, by the prime sponsor and the PIC.

Accordingly, Title 20 of the Code of Federal Regulations is amended by:

1. Amending Part 675 to read as follows:

PART 675—INTRODUCTION OF THE REGULATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

675.1 Scope and Purpose of the Act.
675.2 Format of these Regulations.
675.3 Table of Contents for the Regulations under CETA.
675.4 Definitions.
675.5 Eligibility Requirements to Participate in Programs Under CETA.
675.5–1 Eligibility Requirements Pertaining to all Prime Sponsor Programs.
675.5–2 Eligibility Requirements Under Title II B.
675.5–3 Eligibility Requirements under Title II C Upgrading and Retraining.
675.5–4 Eligibility Requirements for Special Grants for Governors.
675.5–5 Eligibility Requirements for Title II D Programs.
675.5–6 Eligibility Requirements for Title VI Programs.
675.5–7 Eligibility Requirements for Private Sector Initiative Programs.
675.5–8 Eligibility Requirements for Youth Employment and Training.
675.5–9 Eligibility Requirements for Youth Community Conservation Improvement Projects.
675.5–10 Eligibility Requirements for Summer Youth Employment Programs.
675.6 Intake and Assessment.

Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., Pub. L. 95.524 92 Stat. 1907), unless otherwise noted.

§ 675.1 Scope and purpose of the Act.

(a) It is the purpose of this Act to:

(1) Provide training and employment opportunities to increase the earned income of economically disadvantaged, unemployed, or underemployed persons;

(2) Establish a flexible, coordinated and decentralized system of Federal, State, and local programs so that services will lead to maximum employment opportunities and enhance self-sufficiency; and

(3) Provide for the coordination of programs under CETA with other social service, employment and training related programs, economic development, community development, and related activities, such as vocational education, vocational rehabilitation, public assistance, self-employment training, and social service programs.

(b) The Act is comprised of eight titles.

(1) Title I sets forth the administrative provisions governing programs under the other titles.

(2) Title II establishes programs administered by State and local prime sponsors to provide comprehensive employment and training services for economically disadvantaged persons.

(3) Title III establishes national programs administered by the Secretary:

(i) To provide employment and training services for groups of persons with disadvantages in specific and general labor markets or occupations.

(ii) To provide comprehensive employment and training programs for Indians and Native Americans, and for migrant and seasonal farmworkers.

(iii) To provide research, and technical assistance programs and to evaluate activities under CETA.

(4) Title IV establishes a broad range of coordinated employment and training programs for youth.

(5) Title V establishes a National Commission for Employment Policy to examine issues of development, coordination and administration of employment and training programs, and to advise the President and the Congress on these issues.

(6) Title VI authorizes temporary employment in public service jobs during periods of high unemployment.

(7) Title VII authorizes activities to increase the involvement of the private sector in employment and training.

(8) Title VIII establishes a Young Adult Conservation Corps to provide conservation work on public lands and waters and other benefits to youth.

§ 675.2 Format for these regulations.

(a) Regulations promulgated by the Department of Labor to implement the new provisions of the Act are set forth in Parts 675 through 695 of Title 20 of the Code of Federal Regulations.

(b) Statutory authority for the regulations is found at section 126(a)(1) of the Act. Specific statutory authorities other than section 126(a)(1) are noted throughout the regulations.

§ 675.3 Table of Contents for Regulations Under CETA.

PART 675—INTRODUCTION TO THE REGULATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

675.1 Scope and purpose of the Act.
675.2 Format of these regulations.
675.3 Table of contents for regulations under CETA.
675.4 Definitions.
675.5 Eligibility requirements to participate in programs under CETA.
675.5–1 Eligibility requirements to all prime sponsor programs.
675.5–2 Eligibility requirements under Title II–B.
675.5–3 Eligibility requirements under Title II–C upgrading and retraining.
675.5–4 Eligibility requirements for the special grants to governors.
675.5–5 Eligibility requirements for Title II–D programs.
675.5–6 Eligibility requirements for Title VI programs.
675.5–7 Eligibility requirements for private sector initiative programs (PSIP).
675.5–8 Eligibility requirements for youth employment and training programs (YETP).
675.5–9 Eligibility requirements for youth community conservation improvement projects (YCCIP).
675.5–10 Eligibility requirements for the summer youth employment programs (SYEP).
675.6 Intake and Assessment.

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Grant Procedures

Sec.

676.1 General.
676.2 Prime sponsor applicants.
676.3 Preapplication for Federal assistance.
676.4 Consortium agreements.
676.5 Prime sponsor designation.
676.6 Planning process.
676.7 Prime Sponsor planning councils.
676.8 Area planning bodies.
676.9 Comprehensive employment and training plan (CETP).
676.10 Master plan.
676.10–1 General.
676.10–2 Signature page.
676.10–3 Assurances and certifications.
676.10–4 Narrative description.
676.11 Annual plan.
676.12 Comments and publication procedures relating to submission of CETP.
676.13 Submission of CETP.
676.14 Review, approval and disapproval of the CETP.
676.15 Use of alternative prime sponsors; Services by the Secretary.
676.16 Modifications.

Subpart B—Program Design and Management

676.21 General responsibilities of CETA recipients.
676.22 Program management systems.
676.23 Program linkages and selection of deliveres.
676.24 Labor organization consultation and/or concurrence.
676.25 Employment and training activities.
676.25–1 Classroom training.
676.25–2 On-the-job training.
676.25–3 Public service employment.
676.25–4 Work experience.

676.25–5 Services.
676.25–6 Other activities.
676.25–7 Combined activities.
676.26 Payment to participants.
676.26–1 Payment of wages.
676.26–2 Payment of allowances.
676.26–3 Combined activities.
676.27 Benefits and working conditions for participants.
676.28 Retirement benefits for program participants.
676.28–1 General rules.
676.28–2 Allowable costs.
676.28–3 Package benefits.
676.28–4 FICA.
676.29 Non-Federal status of participants.
676.30 Termination conditions.
676.30a Procedures for serving specific target groups.

Subpart C—Administrative Standards and Procedures

676.31 General.
676.32 Methods of payment to recipients of CETA funds.
676.33 Depositories for CETA funds.
676.34 Management information systems.
676.35 Retention of records.
676.36 Program income.
676.37 Recipient contracts subgrants.
676.38 Requirements for contracts with non-governmental organizations.
676.39 Property management standards.
676.40 Allowable costs.
676.40–1 Allowable CETA costs.
676.40–2 Administration and travel costs.
676.41 CETA cost allocation.
676.41–1 Classification of costs by category.
676.41–2 Allocations of fixed unit charges.
676.41–3 Cost categories assignable to program activities.
676.42 Administrative annual plan subpart.
676.43 Administrative staff and personnel standards.
676.44 Reporting requirements for prime sponsors.
676.45 Annual plan subpart settlement procedures; termination of master plan.
676.46 Secretary's responsibilities.
676.47 Reallocation of funds based on nonutilization.

Subpart D—Nondiscrimination and Equitable Service

676.51 General.
676.52 Nondiscrimination.
676.53 Affirmative action.
676.54 Equitable provision of services to significant segments of the eligible population.

Subpart E—Prevention of Fraud and Program Abuse

676.61 General.
676.62 Conflict of interest.
676.63 Kickbacks.
676.64 Commingling of funds.
676.65 Charging of fees.
676.66 Nepotism.
676.67 Child labor.
676.68 Political patronage.
676.69 Political activities.
676.70 Lobbying activities.
676.71 Sectarian activities.
676.72 Unionization and antiunionization activities/work stoppages.
676.73 Maintenance of effort.
676.74 Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations and other criminal provisions.
676.75 Responsibilities of recipients and subrecipients for preventing fraud and program abuse and for general program management.
676.75–1 General requirements.
676.75–2 Prime sponsor monitoring procedures.
676.75–3 Eligibility determination and verification.
676.76 Action required of the Secretary.

Subpart F—Complaints, Investigations and Sanctions

676.81 Scope and purpose.
676.82 Protection of informants complaints and hearing procedures at the recipient level.
676.84 Grievance or complaint procedures at employer level.
676.85 Exhaustion of recipient level procedure.
676.86 Complaints and investigation at the Federal level.
676.87 Subpoenas.
676.88 Initial and final determination; request for hearing at the Federal level.
676.89 Rules of procedure.
676.90 Hearing.
676.91 Post-hearing procedure.
676.92 Final action; judicial review.
676.93 Other authority.

PART 677—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—General Provisions

Sec.
677.1 Purpose.
677.2 Employability development plan.
677.3 Agreements with State or local education agencies or institutions of higher education.

Subpart B—Training Activities for the Economically Disadvantaged

677.11 Purpose.
677.12 Participant eligibility.
677.13 Activities and services.
677.14 Allocation of funds.
677.15 Annual plan subpart.
677.16 Administrative limitations.

Subpart C—Upgrading and Retraining

677.21 Purpose.
677.22 Participant eligibility.
677.23 Activities and services.
677.24 Agreement with employers.
677.25 Compensation and benefits to participants.
677.26 Reimbursement of employers.

Subpart D—Special Grants for Governors

677.31 Purpose.
677.32 Allocation of funds.
677.33 Grant application; annual plan.
677.34 Governor's distribution of vocational education funds.
677.35 Nonfinancial agreement between prime sponsor and vocational education board.
677.36 State employment and training council.
677.37 Governor's coordination and special services.
677.38 Coordination and establishment of linkages with education agencies.
677.39 Vocational education activities.
677.40 Funding; grant administration.
677.41 Reporting.
677.42 Coordination with prime sponsor.

Subpart E—Transitional Employment Opportunities for the Economically Disadvantaged

677.51 Purpose.
677.52 Participant eligibility.
677.53 Activities and services.
677.54 Eligibility for funds.
677.55 Allocation of funds.
677.56 Annual plan subpart.
677.57 Wages and wage supplementation.
677.58 Special cost provisions.

PART 678—PUBLIC SERVICE EMPLOYMENT PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

678.1 Purpose.
678.2 Participant eligibility.
678.3 Activities and services.
678.4 Eligibility for funds.
678.5 Allocation of funds.
678.6 Annual plan subpart.
678.7 Wages and wage supplementation.
678.8 Special cost provisions.

PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

679.1 Scope and purpose.
679.2 Participant eligibility.
679.3 Private industry councils (PIC's).
679.3–1 Purpose.
679.3–2 Appointment of PIC members.
679.3–3 Chairperson.
679.3–4 Organization of position.
679.3–5 Staff.
679.3–6 Multijurisdictional PIC's.
679.3–7 Functions of the PIC.
679.3–8 Accountability.
679.3–9 Conflict of interest.
679.4 Allocation of funds.
679.5 Annual plan subpart.
679.6 Administrative standards and procedures.
679.7 Allowable activities.

PART 680—YOUTH PROGRAMS OPERATED BY PRIME SPONSORS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT [1]

Subparts A and B—[Reserved]

Subpart C—Summer Youth Employment Program

Sec.
680.200 Purpose
680.201 Eligibility for SYEP funds.
680.202 Allocation of funds.
680.203 Unexpended previous year funds.
680.204 Startup of program
680.205 Program planning; planning and youth councils.
680.206 Basic program design provisions.
680.207 Description of the SYEP annual plan subpart.
680.208 Activities and services.
680.209 Program management provisions.
680.210 Worksite standards.
680.211 Eligibility for participation.
680.212 Participants compensation, benefits and working conditions.
680.213 Reallocation procedures.
680.214 Modifications.
680.215 Reporting requirements.
680.216 Termination date for the summer program.
680.217 Alternative remedies.

§ 675.4 Definitions.

Academic Credit—means credit for education, training or work experience applicable toward a secondary school diploma, a post secondary degree, or an accredited certificate of completion, consistent with applicable State law, regulations, and policy, and the requirements of an accredited educational agency or institution.

Act—means the Comprehensive Employment and Training Act (29 USC § 801 *et seq.*)

Alternative Working Arrangements—means the patterns or schedules of work which deviate from the regular work week. They may include staggered hours, flexible hours or flexi-time, compressed work weeks, part-time employment, job sharing, and work sharing.

Annual Plan—means that part of the Comprehensive Employment and Training Plan which consists of the yearly description of program activities and services to be provided by prime sponsors.

Appropriate Labor Organizations—means a local labor organization that represents employees in the prime sponsor's area in the same or substantially equivalent jobs as those for which recipients provide, or propose to provide, employment and training under the Act.

Architectural Barriers—means physical conditions of a building, facility, or other physical structure which reduce the accessibility to or usefulness of such building, facility or structure to handicapped individuals.

Area of Substantial Unemployment (ASU)—means an area within a prime sponsor's jurisdiction:

(a) Which has a population of at least 10,000;

(b)(1) Which has an average unemployment rate of at least 6.5 percent for the most recent twelve month period, as determined by the Bureau of Labor Statistics (BLS); or

(2) Which for fiscal year 1979, and for Parts A, B, and C of Title II of the Act for all fiscal years, has an average unemployment rate of at least 6.5 percent for any three consecutive months during the most recent 12 month period as determined by the Bureau of Labor Statistics.

Artificial Barriers to Employment—means limitations (such as: age, sex, race, national origin, parental status, credential requirements, criminal record, lack of child care, physical or mental status and absence of part-time or alternative working patterns/schedules) in hiring, firing, promotion, licensing, and conditions of employment which are not directly related to an individual's fitness or ability to perform the tasks by the job.

Balance of State (BOS)—means the area which consists of all areas within a State which are not within the jurisdictions of local prime sponsors and, therefore, are served by the State acting as the prime sponsor.

Capital Improvement—means any modification, addition, restoration or other improvement:

(a) Which increases the usefulness, productivity, or serviceable life of an existing building, structure, or major item of equipment;

(b) Which is classified for accounting purposes as a "fixed asset"; and

(c) The cost of which increases the recorded value of the existing building, structure, or major item of equipment and is subject to depreciation.

CETA—means the Comprehensive Employment and Training Act.

Community Based Organization (CBO)—means a private nonprofit organization which is representative of the community or a significant segment of a community, and which provides employment and training services or activities. (Examples include: Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, agencies serving women, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in Sec. 7(10) of the Rehabilitation Act of 1973, 29 USC § 706), agencies serving youth, union-related organizations, and employer-related nonprofit organizations).

Comprehensive Employment and Training Plan (CETP)—means the plan of a prime sponsor for operating programs under the Act, consisting of the Master Plan and Annual Plan.

Construction—means the erection, installation, assembly or painting of a new structure or a major addition, expansion, or extension of an existing structure, and the related site preparation, excavation, filling and landscaping or other land improvements.

Consumer Price Index—means the "All Urban Consumer Index" as determined by the Bureau of Labor Statistics (BLS).

Contract—means a procurement instrument by which the Department, a recipient, or a subrecipient pays for property, services, supplies, materials or equipment.

Contractor—means any person, corporation, partnership, public agency, or other entity which enters into a contract with the DOL, a recipient or a subrecipient under the Act.

Department—means the United States Department of Labor (DOL) including its agencies and organizational units.

Dependent—means any person for whom, both currently and during the previous 12 months, the participant has assumed 50% of their support, and is

(a) A member of the immediate household; or

(b) Not a member of the household, but a parent or child of the participant, or a relative of the participant who is unemployed because of a mental or physical disability.

Displaced Homemaker—means an individual who:

(a) Has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members; and

(b)(1) Has been dependent on public assistance or on the income of another family member but is no longer supported by that income; or

(2) Is receiving public assistance on account of dependent children in the home, especially where such assistance will soon be terminated; and

(c) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

[1] Part 680 added at 44 FR 12394, March 6, 1979.

DOL—means the U.S. Department of Labor.

Economically Disadvantaged—means a person who is either:

(a) A member of a family which receives public assistance;

(b) a member of a family whose income during the previous 6 months on an annualized basis was such that

(1) The family would have qualified for public assistance, if it had applied for such assistance; or

(2) It does not exceed the poverty level; or

(3) It does not exceed 70 percent of the lower living standard income level;

(c) A foster child on whose behalf State or local government payments are made;

(d) Where such status presents significant barriers to employment,

(1) A client of a sheltered workshop;

(2) A handicapped individual;

(3) A person residing in an institution or facility providing 24 hour support such as a prison, a hospital or community care facility; or

(4) A regular outpatient of a mental hospital, rehabilitation facility or similar institution.

Employing Agency—means any public or private nonprofit employer which employs PSE or work experience participants and which establishes and maintains the personnel standards applicable to those participants covering such areas as wage rates, fringe benefits, job titles, and employment status.

Entry Level—means the lowest position in any promotional line, as defined locally by collective bargaining agreements, past practice, or applicable personnel rules.

Family—(a) Means one or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A step-child or a step-parent shall be considered to be related by marriage.

(b)(1) For purposes of paragraph (a) of this section, one or more persons not living in the single residence but who were claimed as a dependent on another person's Federal Income Tax return for the previous year shall be presumed, unless otherwise demonstrated, part of the other person's family.

(2) An older worker, as defined in this section, whether living in the residence or not, or a handicapped individual who is 16 years of age or older may be considered a family of one when applying for programs under the Act.

(3) An individual 18 or older, except as provided in (2) above, who receives less than 50 percent of support from the family, and who is not the principal earner nor the spouse of the principal earner shall not be considered a member of the family. Such an individual shall be considered a family of one.

Family Income—means all income actually received from all sources by all members of the family, during the income determination period. Family size shall be the maximum number of family members during the income determination period.

(a) Family income shall include:

(1) Gross wages and salary (before deductions);

(2) Net self-employment income (gross receipts minus operating expenses);

(3) Other money income received from sources such as net rents, OASI (Old Age and Survivors Insurance) social security benefits, pensions, alimony, child support, and periodic income from insurance policy annuities, and other sources of income.

(b) Family income shall exclude:

(1) Non-cash income such as food stamps, or compensation received in the form of food or housing;

(2) Imputed value of owner-occupied property, i.e., rental value;

(3) Public assistance payments;

(4) Cash payments received pursuant to a State plan approved under Titles I, IV, X, or XVI of the Social Security Act, or disability insurance payments received under Title II of the Social Security Act;

(5) Federal, State or local unemployment benefits;

(6) Payments made to participants in employment and training programs (including payments received under CETA Title IV or Title VIII or Title V of the Older Americans Act), except wages paid for PSE and OJT.

(7) Capital gains and losses;

(8) One time unearned income, such as, but not limited to:

(i) Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;

(ii) One-time or fixed-term scholarship and fellowship grants;

(iii) Accident, health, and casualty insurance proceeds;

(iv) Disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits;

(v) One-time awards and gifts;

(vi) Inheritance, including fixed term annuities;

(vii) Fixed term workers' compensation awards;

(viii) Terminal leave pay;

(ix) Soil bank payments;

(x) Agriculture crop stabilization payments;

(9) Pay or allowances which were previously received by any veteran while serving on active duty in the Armed Forces; and

(10) Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38, United States Code.

(11) Payments received under the Trade Readjustment Act.

Federal Reservation—means lands, as identified by the Bureau of Indian Affairs, which have been set aside for Indian tribes and for which the United States is trustee, or non-trust land under the tribal jurisdiction.

Financial Assistance—means any grant, loan, or any other arrangement by which the Department or recipient provides or otherwise makes available assistance in the form of:

(a) Funds;

(b) Services of Federal or recipient's personnel; or

(c) Real and personall 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) Proceed from a subsequent transfer or lease of such property if the Federal or recipient share of its fair market value is not returned to the Federal Government or recipient.

Governor—means the chief executive, or his or her designee, of any State.

Handicapped Individual—means any person who has a physical or mental disability which constitutes a substantial barrier to employment and can benefit from CETA services provided, as determined by the prime sponsor.

In-school—means the status of being enrolled full-time and attending an elementary, secondary, trade, technical or vocational school, a college, including a junior community college or a university. An individual shall maintain the status of "in-school" between semesters or quarters or during the summer months provided that individual is scheduled to attend full-time the next regularly scheduled quarter of any of these schools.

In-School Youth—means a person age 14 to 21, who:

(a) Is currently enrolled full-time in, and attending, a secondary, trade, technical, vocational school or junior or community college or is scheduled to attend full-time the next regularly scheduled quarter or semester of any of these schools; or

(b) Has not completed high school and is scheduled to attend or is attending, on a full-time basis, a program leading to a secondary school diploma or its equivalent. Full-time may be defined by the requirements of the agency administering the program.

Institutions of higher education—means an educational institution in any State which:

(a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate;

(b) Is legally authorized within such State to provide a program of education beyond secondary education;

(c) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(d) Is a public or other nonprofit institution;

(e) Is accredited by a nationally recognized accrediting agency or association; and

(f) Admits as regular students, persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the education offered by the institution.

Job restructuring—means:

(a) The procedure which includes:

(1) Identifying the separate tasks that comprise a job or group of jobs;

(2) Developing new positions descriptions which retain some of the tasks of the original job; and

(3) Developing a career ladder which builds upward from the new positions containing the lesser skilled tasks to regular jobs.

(b) A restructured job shall be clearly different from the original one in terms of skills, knowledge, abilities, and experience needed to perform the work (sec. 432(a)(3)(L)).

Local Educational Agency—means:

(a) Except for purposes of Youth Employment and Training Programs (YETP) under Part 680, a board of education or other legally constituted local school authority having administrative control and direction of public elementary of secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program;

(b) For purposes of YETP under Part 680, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a combination of such school districts or counties which are recognized in a State as an administrative agency for their public elementary or secondary schools.

Lower Living Standard Income Level—means that income level (adjusted for selected Standard Metropolitan Statistical Areas and regional metropolitan and non-metropolitan differences and family size) determined annually by the Secretary, based upon the most recent lower living family budget issued by the Bureau of Labor Statistics.

Low Income Housing—means:

(a) For weatherization or winterization projects, those dwellings occupied by persons whose family income does not exceed 125 percent of the poverty level and which are

(1) Owned by the occupant;

(2) Publicly owned;

(3) Owned by a private nonprofit organization; or

(4) Cooperatively owned; or

(5) For projects funded and approved by the Federal Energy Administration, privately owned rental housing.

(b) For rehabilitation as part of community revitalization or stabilization, those dwellings occupied by persons whose family income does not exceed 80 percent of the median income for the area, in accordance with Section 8(f)(1) of the United States Housing Act of 1937, (42 U.S.C. 1437f) and which are:

(1) Owned by the occupant;

(2) Publicly owned;

(3) Owned by a private nonprofit organization; or

(4) Cooperatively owned.

Low Income Level—means $7,000 with respect to income in 1969, and for any later year means that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

Master Plan—means that part of the Comprehensive Employment and Training Plan (CETP) which serves as the long-term agreement between the Department and a prime sponsor.

Offender—means any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom employment and training services may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Older Worker—means a person who is 55 years of age or older.

Outstationing—means the positioning of PSE or work-experience participants by an employing agency at a location or facility operated by an organization other than the employing agency so that the other organization supervises and assigns work to the participants.

Participant—means an individual who is:

(a) Declared eligible upon intake; and

(b) Receiving employment, training or services (except post-termination services) funded under the Act following intake, except for an individual who receives only outreach or intake services.

Placement—means the act of securing unsubsidized employment for or by a participant.

Poverty Level—means that annual income level at, or below, which families are considered to live in poverty, as annually determined by the Office of Management and Budget.

Prime Sponsor—A recipient of financial assistance designated pursuant to § 676.5.

Program Agent—means:

(a) A unit of general local government with a population of at least 50,000 within the jurisdiction of a single prime sponsor.

(b) A combination of units of general local government (preferably contiguous) with a total population of at least 50,000 within the jurisdiction of a single prime sponsor which possesses:

(1) The legal authority to receive funds and to transact business throughout its jurisdiction in accordance with the Act and regulations; and

(2) The administrative capability to plan, administer and operate an employment and training program.

Program of Demonstrated Effectiveness—means a program which has demonstrated the capacity to achieve planned goals at reasonable costs within acceptable timeframes, and is either: (1) a program which has demonstrated to the prime sponsor that it has performed effectively within the prime sponsor's jurisdiction, or (2) a program which can demonstrate to the prime sponsor that it has carried out a similar program under similar circumstances in other jurisdictions and can carry out such program effectively within the prime sponsor's jurisdiction.

Project—means:

(a) For the purpose of public service employment in Parts 677 and 678, a definable task or group of related tasks which will be completed within eighteen months, has a public service objective, will result in a specific product or

accomplishment, and would otherwise not be done with existing funds;

(b) For the purposes of Youth Community Conservation and Improvement Projects in Part 680, an activity which provides constructive work, conducted by youth, under the guidance of skilled supervisors, which (1) results in tangible outputs or a specific product; (2) benefits the participants in terms of work habits, skills, and attainment of academic credit where applicable; and (3) will be completed within a definable period of time not to exceed 12 months (sec. 421).

Project Applicants—means States and agencies thereof, units of general local government and agencies thereof, combinations or associations of such governmental units when the primary purposes of such combinations or associations is to assist such governmental units to provide public service, special purpose political subdivisions having the power to levy taxes and spend funds or serving such special purpose within an area served by one or more units of general local government, local educational agencies, institutions of higher education, community based organizations, nonprofit groups and organizations serving Native Americans, and other private nonprofit organizations or institutions engaged in a public service.

Public Assistance—means Federal, State, or local government cash payments for which eligibility is determined by a need or income test.

Public Service Employment—means the type of work normally provided by governments and includes, but is not limited to, work (including part-time work) in such fields as environmental quality, child care, health care, education, crime prevention and control, prisoner rehabilitation, transportation, recreation, maintenance of parks, streets and other public facilities, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification, veterans outreach, development of alternative energy technologies, and other fields of human betterment and community improvement.

RA—means Regional Administrator of the Employment and Training Administration of the U.S. Department of Labor.

Recipient—means State or local government, a Federally recognized Indian tribal government, a public or private institution of higher education, a public or private hospital, an Indian or Native American entity other than a Federally recognized Indian tribal government, or other quasi-public or private for profit or nonprofit organization which receives CETA financial assistance directly from DOL, through a grant to perform substantive work under the Act (employment, training, supportive services, etc.).

Residence—means an individual's permanent dwelling or home. Maintenance of an address is not necessarily the same as residence.

Secretary—means the Secretary of Labor.

Significant Segments—means the groups of the population identified in terms of the following demographic characteristics: Age, sex, race, and national origin. (Sec. 103(b)(2)).

Similarly Employed—means the status of a person who is working for the same employer as the CETA participant, is doing the same type of work, and is similarly classified with respect to employment status (e.g., full time, permanent, or temporary).

Special Disabled Veteran—means a person who served in the Armed Forces and was discharged or released, with other than a dishonorable discharge, and who had been given a disability rating of 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

State—means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Marianas Islands, American Samoa, and the Trust Territory of the Pacific Islands.

State Employment Security Agency (SESA)—means the State agency which exercises control over the Unemployment Insurance Service and the Employment Service.

Subrecipient—means any person, organization or other entity which receives financial assistance under CETA through a recipient to carry out substantive work (e.g., employment, training, supportive services).

Underemployed Person—means:

(a) Persons who are working part time but seeking full time work; or

(b) Persons who are working full time but whose current annualized wage rate is not in excess of (for a family of one), the higher of either:

(1) The poverty level; or

(2) 70 percent of the lower living standard income level.

Unemployed Person—means for purposes of determining eligibility:

(a) A person who is without a job for at least seven consecutive days prior to application for participation. A person shall be considered as being without a job if, for seven consecutive days, such person:

(1) Worked no more than 10 hours; and

(2) Earned no more than $30; and

(3) Was seeking and available for work; or

(b) A person who is:

(1) A client of a sheltered workshop;

(2) Institutionalized in a hospital, prison, or similar institution; or

(c) A person who is 18 years of age or older and whose family receives public assistance or whose family would be eligible to receive public assistance but for the fact that both parents are in the home; or

(d) A person who is a veteran who has not obtained permanent unsubsidized employment since being released from active duty. Such person shall be considered to meet "unemployed" eligibility requirements regardless of the specific term of unemployment required.

Unit of general local government—means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

Veteran—means a person who:

(a) Served on active duty for more than 180 days, and was released with other than a dishonorable discharge; or

(b) Was discharged or released from active duty for a service connected disability.

Veterans Outreach—means:

(a) The recruitment, counseling and registration of eligible veterans for participation in appropriate employment or training programs provided under the Act;

(b) Coordination with the outreach services program carried out under Subchapter IV of Chapter 3 of Title 38, United States Code (pertaining to the dissemination of information about Veterans Administration benefits and services and the provision of such services to eligible veterans), with full utilization of veterans receiving educational assistance or vocational rehabilitation under Chapter 31 or 34 of Title 38, United States Code.

Vietnam-era Veteran—means a veteran under 35 years of age who served on active duty between August 5, 1964, and May 7, 1975 and who was discharged or released with other than a dishonorable discharge.

§ 675.5 Eligibility requirements to participate in programs under CETA.

§ 675.5–1 Eligibility requirements pertaining to all prime sponsor programs.

(a) All recipients shall establish effective systems to determine participant eligibility in accordance with § 676.75–3. To assist in eligibility determination, a consolidated list of all eligibility requirements for programs administered by prime sponsors under CETA is presented in this section.

(b) Participants shall be limited to citizens of the United States, United States nationals, permanent resident aliens, or other aliens who have been permitted to accept permanent employment in the United States by the Immigration and Naturalization Service (sec. 132(e) and 121(p)).

(c) Participants may be transferred from one title or program under the Act into another title or program under the Act within the prime sponsor jurisdiction, if they met the eligibility requirements for such other title or program at the time that they were originally determined eligible for their first CETA title or program, except that if the subsequent title or program has an age limitation, participants shall meet the age limitation at the time of transfer into that title or program.

(d) Eligibility determinations for each program shall be made at the time of application. Applicants determined eligible may be enrolled as participants within 45 days of the date of the application without an update of the information on the application, and provided they did not obtain full-time permanent unsubsidized employment in the interim. This provision does not apply to the Summer Youth Employment Program (SYEP) or as otherwise specified in this section.

(e) Specific eligibility requirements for programs not found at § 675.5–2 through § 675.5–10 are found in the specific regulations for those programs.

§ 675.5–2 Eligibility requirements under title II–B.

For Programs described in Subpart B of Part 677, a person shall be:

(a) Economically disadvantaged; and

(b) Unemployed, underemployed, or in-school (sec. 213).

§ 675.5–3 Eligibility requirements under title II–C upgrading and retraining.

For Upgrading and Retraining Programs described in Subpart C of Part 677:

(a) For Upgrading, a person must be:

(1)(i) Operating at less than full skill potential, and

(ii) Working for at least the prior six months with the same employer in either an entry level, unskilled or semi-skilled position or a position with little or no advancement opportunity in a normal promotional line;

(2) Priority consideration shall be given to those workers who have been in entry level positions for the longest period of time, and who have potential for upward mobility.

(b) For retraining a person must:

(1) Have received a bona fide notice of impending layoff within the last 6 months; and

(2) Have been determined by the prime sponsor, with the assistance of the local Employment Service, as having little opportunity to be reemployed in the same or an equivalent occupation or skill level within the labor market area.

§ 675.5–4 Eligibility requirements for special grants to governors.

For programs under the Special Grants for Governors described in Subpart D of Part 677, a person unless otherwise approved in the grant, must be economically disadvantaged, and unemployed, underemployed or in-school. For PSE the eligibility requirements are the same as those for Titles II–D or VI which are described in § 675.5–5 or §675.5–6.

§ 675.5–5 Eligibility requirements for title II–D programs.

For Title II–D funded programs described in Subpart E of Part 677, a person must:

(a)(1) Be economically disadvantaged, be unemployed at the time of application and have been unemployed during 15 of the 20 weeks immediately prior to application or

(2) Be a member of a family which is receiving public assistance (sec. 236(a)); and

(b) Reside within the prime sponsor's jurisdiction, except that:

(1) Where a prime sponsor subgrants to units of general local government with a population of 50,000 or more, such units may not hire persons outside of their jurisdiction nor may prime sponsors hire persons from such jurisdictions. However, participants may be exchanged between such units when there are equivalent funds expended to support such persons by each unit. This does not require the layoff of present participants eligible under the residency requirements that were applicable at the time of their eligibility determination; and

(2) In cases where a prime sponsor is operating a program for a unit of general local government over 50,000, a formal subgrant is not necessary to enroll residents of that jurisdiction. The prime sponsor shall assure that funds allocated for use within that jurisdiction's area are spent only for residents of that area.

(c) Not have, within the immediately prior six months, voluntarily terminated, without good cause, as described in the *Forms Preparation Handbook*, his/her last previous full-time employment at a wage rate not less than the highest of the minimum wage under Section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206) or under the applicable State or local minimum wage law (sec. 122(n)).

§ 675.5–6 Eligibility requirements for title VI programs.

(a) For Title VI funded programs described in Part 678, a person must reside within the prime sponsor's jurisdiction as provided in § 675.5–5(b); and

(1)(i) Be unemployed at the time of application; and

(ii) Have been unemployed for at least 10 out of the 12 weeks immediately prior to application; and

(iii) Have a family income which does not exceed 100 percent of the lower living standard income level based on the annualization of the three-month period prior to the individual's application for participation; or

(2) Be a member of a family which has been receiving public assistance for 10 of the last 12 weeks immediately prior to application (sec. 607).

(b) The provisions of § 675.5–5(c) regarding individuals who voluntarily terminated their last employment shall apply (sec. 122(n)).

§ 675.5–7 Eligibility requirements for private sector initiative program (PSIP).

For PSIP programs described in Part 679, the eligibility requirements are the same as set forth for Title II–B of the Act in § 675.5–2 of this section.

§ 675.5–8 Eligibility requirements for youth employment and training programs (YETP).

(a)(1) For YETP programs described in Subpart A of Part 680, except as provided in § 675.5–8(b) of this section, at the time of application a youth must (sec. 435):

(i) Be unemployed or underemployed or in-school; and

(ii) Be 16 through 21 years of age inclusive, and

(iii) Be a member of a family with a total family income at or below 85 percent of the lower living standard income level; and

(2) Preference shall be given to economically disadvantaged youth

within the eligible population. Appropriate efforts shall be made to give service to those youth who have severe handicaps in obtaining employment, such as those who lack credentials (such as a high school diploma), require substantial basic and remedial skill development or are women, minorities, veterans, offenders, handicapped individuals, or individuals who have dependents (sec. 444(a)).

(3) A youth may not be enrolled in full-time employment opportunities if:

(i) The youth has not attained the age with respect to which the State compulsory education law ceases to apply, except:

(A) During periods when school is not in session; and

(B) If employment is undertaken in cooperation with school-related programs awarding academic credit for work experience or

(ii) The youth has not attained a high school degree or its equivalent and it has been determined by the prime sponsor that the youth dropped out of high school in order to participate in YETP (sec. 443(f)).

(b) For YETP programs (extraordinary):

(1) Individuals otherwise eligible under paragraph (a) of this section who are in school, and who are 14 or 15 years old, may participate when the YETP Subpart specifies a youth development strategy which provides broad career exposure for these youths (sec. 435).

(2) Youth need not meet the income criteria described in paragraph (a)(1)(iii) of this section if they participate in a special component, as described in § 680.11(d), which provides for the participation of youth of various income levels (sec. 435).

(3) Youths who do not meet the income criteria and who are not in a special component may be offered services which are limited to:

(i) Counseling, including occupational information;

(ii) Occupational, education, and training information including information on apprenticeship training;

(iii) Placement services;

(iv) Job referral information through coordinated intake systems; or

(v) Assistance in overcoming employment related sex-stereotyping in job development, placement, counseling, and guidance.

§ 675.5–9 Eligibility requirements for youth community conservation improvement projects (YCCIP).

(a) For YCCIP program described under Subpart B of Part 680; at the time of application a youth must be:

(1) 16 through 19 years of age, inclusive; and

(2) Unemployed.

(b) Preference shall be given to economically disadvantaged youth within the eligible population.

(c) Appropriate efforts shall be made to serve youths who have severe handicaps in obtaining employment, as described in § 675.5–8(a)(2) (sec. 444(a)).

(d) A youth may not be enrolled in full-time employment opportunities if:

(1) Any compulsory education law requirements still apply to the youth except:

(i) During periods when school is not in session; or

(ii) If employment is undertaken in cooperation with school-related programs awarding academic credit for work experience; or

(2) The youth has not attained a high school degree or its equivalent and it has been determined that the youth has dropped out of school to participate in YCCIP (sec. 443).

(e) Each participant shall be limited to a maximum enrollment of 12 months with no more than two terminations and reenrollments, provided age eligibility is met at the time of each reenrollment.

§ 675.5–10 Eligibility requirements for the summer youth employment programs (SYEP).

For SYEP programs described in Subpart C of Part 680, a youth must be:

(a) At the time of application, economically disadvantaged; and

(b) At the time of enrollment, 14 through 21 years of age inclusive (sec. 402).

§ 675.6 Intake and assessment.

(a) Each recipient shall, at the time of intake, assess every individual to determine the person's eligibility and to decide whether CETA can offer the applicant those services or activities which will enable the applicant to obtain unsubsidized employment and increase earned income.

(b) In determining who shall be enrolled, recipients shall establish appropriate mechanisms to ensure that employment and training activities available under the grant are provided to those most in need (sec. 103(a)(5)(A)).

(c) Once enrolled, each prime sponsor shall make a more detailed assessment for each participant, and an employability development plan shall be prepared for each Title II participant in accordance with § 677.2. In doing the detailed assessment, recipients shall consider the utilization of all available CETA and community resources, such as those from SESA, the prime sponsor's Private Industry Council, area apprenticeship opportunities, CBO's, the educational system, and all other resources. Such assessment does not mandate a central intake system, but does require that recipients provide an opportunity for referral to the full range of available services.

(d) In designing programs, all recipients shall develop goals and provide maximum efforts for transitioning participants into unsubsidized employment. They shall periodically assess participant's progress towards these goals, as provided for each title in § 676.25–4(b), § 677.2(e), § 677.53(b) and § 678.3(f).

(e) In designing and operating programs, recipients and subrecipients shall give special consideration to providing for alternative working arrangements such as flexible hours of work, work-sharing and part-time jobs, particularly for older workers and those with household obligations and including parents of young children (sec. 121(d)(3)).

2. Adding new Parts 676 through 679 to read as follows:

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Grant procedures

Sec.

676.1 General.
676.2 Prime sponsor applicants.
676.3 Preapplication for Federal assistance.
676.4 Consortium agreements.
676.5 Prime sponsor designation.
676.6 Planning process.
676.7 Prime sponsor planning Councils.
676.8 Area planning bodies.
676.9 Comprehensive employment and training plan (CETP).
676.10 Master plan.
676.10–1 General.
676.10–2 Signature page.
676.10–3 Assurances and certifications.
676.10–4 Narrative description.
676.11 Annual plan.
676.12 Comments and publication procedures relating to submission of CETP.
676.13 Submission of CETP.
676.14 Review, approval and disapproval of the CETP.
676.15 Use of alternative prime sponsors; services by the Secretary. Modifications.
676.16 Modifications.

Subpart B—Program design and management

676.21 General responsibilities of CETA recipients.
676.22 Program management systems.
676.23 Program linkages and selection of deliverers.

676.24 Labor organization consultation and/or concurrence.
676.25 Employment and training activities.
676.25–1 Classroom training.
676.25–2 On-the-Job training.
676.25–3 Public service employment.
676.25–4 Work experience.
676.25–5 Services.
676.25–6 Other activities.
676.25–7 Combined activities.
676.26 Payment to participants.
676.26–1 Payment of wages
676.26–2 Payment of allowances.
676.26–3 Combined activities.
676.27 Benefits and working conditions for participants.
676.28 Retirement benefits for program participants.
676.28–1 General rules.
676.28–2 Allowable costs.
676.28–3 Package benefits.
676.28–4 FICA.
676.29 Non-Federal status of participants.
676.30 Termination conditions.
676.30a Procedures for serving specific target groups.

Subpart C—Administrative standards and procedures

676.31 General.
676.32 Methods of payment to recipients of CETA funds.
676.33 Depositories for CETA funds.
676.34 Management information systems.
676.35 Retention of records.
676.36 Program income.
676.37 Recipient contracts subgrants.
676.38 Requirements for contracts with non-governmental organizations.
676.39 Property management standards.
676.40 Allowable costs.
676.40–1 Allowable CETA costs..
676.40–2 Administration and travel costs.
676.41 CETA cost allocation.
676.41–1 Classification of costs by category.
676.41–2 Allocations of fixed unit charges.
676.41–3 Cost categories assignable to program activities.
676.42 Administrative annual plan subpart.
676.43 Administrative staff and personnel standards.
676.44 Reporting requirements for prime sponsors.
676.45 Annual plan subpart settlement procedures; termination of master plan.
676.46 Secretary's responsibilities.
676.47 Reallocation of funds based on nonutilization.

Subpart D—Nondiscrimination and equitable service

676.51 General.
676.52 Nondiscrimination.
676.53 Affirmative action.
676.54 Equitable provision of services to significant segments of the eligible population.

Subpart E—Prevention of fraud and program abuse

676.61 General.
676.62 Conflict of interest.
676.63 Kickbacks.
676.64 Commingling of funds.
676.65 Charging of fees.
676.66 Nepotism.
676.67 Child labor.
676.68 Political patronage.
676.69 Political activities.
676.70 Lobbying activities.
676.71 Sectarian activities.
676.72 Unionization and anti-unionization activities/work stoppages.
676.73 Maintenance of effort.
676.74 Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations and other criminal provisions.
676.75 Responsibilities of recipients and subrecipients for preventing fraud and program abuse and for general program management.
676.75–1 General requirements.
676.75–2 Prime sponsor monitoring procedures.
676.75–3 Eligibility determination and verification.
676.76 Action required of the Secretary.

Subpart F—Complaints, Investigations and Sanctions

676.81 Scope and purpose.
676.82 Protection of informants.
676.83 Complaints and hearing procedures at the recipient level.
676.84 Grievance or complaint procedures at employer level.
676.85 Exhaustion of recipient level procedure.
676.86 Complaints and investigation at the Federal level.
676.87 Subpoenas.
676.88 Initial and final determination; request for hearing at the Federal level.
676.89 Rules of procedure.
676.90 Hearing.
676.91 Post-hearing procedure.
676.92 Final Action; judicial review.
676.93 Other authority.

Authority.—Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 *et seq.*), unless otherwise noted.

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Grant Procedures

§ 676.1 General.

This Subpart specifies the procedures by which prime sponsors may obtain funds to operate programs under the Act.

§ 676.2 Prime sponsor applicants.

The following entities may apply to be prime sponsors (sec. 101):

(a) A State;

(b) A unit of general local government which has a population of 100,000 or more;

(c) (1) Any consortium of units of general local government which includes a unit of general local government qualifying under paragraph (b) of this section;

(2) Any consortium consisting of a State and a unit or units of general local government, at least one of which qualifies under paragraph (b) of this section;

(d) Existing Concentrated Employment Program (CEP) prime sponsors;

(e) Any unit of general local government previously designated as a prime sponsor, with a population below 100,000 persons, which the Secretary certifies has demonstrated its effectiveness in, and continues to have the capability for, adequately carrying out programs under the Act;

(f) Any unit of general local government or any consortium of such units with a population below 100,000 which demonstrates:

(1) (i) It has the capacity to serve a substantial portion of a functioning labor market area, or

(ii) It is a rural area having a high level of unemployment; and

(2) (i) It has the capability for adequately carrying out programs under the Act,

(ii) That there is a special need for services within the area to be served, and

(iii) That it will carry out programs and services in the area as effectively as any larger unit of general local government in its jurisdiction or as the State.

§ 676.3 Preapplication for Federal assistance.

(a) The Secretary, through a notice in the **Federal Register**, shall annually invite all potential prime sponsor applicants to apply for financial assistance by a specified date. The notice may include a list of those potential applicants which the Secretary believes may wish to apply. This, however, shall not preclude other applicants from applying. An applicant interested in being designated as a prime sponsor shall submit a preapplication to the RA, the Governor, and the appropriate State and areawide clearinghouses pursuant to Office of Management and Budget (OMB) Circular A–95, not later than 30 days prior to the submission of its completed Comprehensive Employment and Training Plan to the clearinghouse for formal review. The preapplication shall consist of Standard Form 424 described in 41 CFR Parts 29–70.

(b) All applicants with populations below 100,000 shall include documentation showing that they meet the requirements for such applicants.

(c) A consortium covering more than one State shall obtain the approval of the Governors of the States involved.

§ 676.4 Consortium agreements.

(a) Except as provided in paragraph (b) of this section, each consortium applicant, at a date established by the RA, shall submit to the RA a consortium agreement signed by the chief elected official or chief executive officer of each consortium member. The agreement shall include the following:

(1) A statement that the agreement has been formed under CETA or that another agreement has been amended to conduct programs under CETA and a statement of the duration of the agreement, which shall be for at least one fiscal year.

(2) A listing of the units of general local government which are members of the consortium.

(3) A listing of any unit of general local government which is within the area served by the consortium but has not joined the consortium.

(4) An identification of the geographical area(s) which will be served.

(5) A letter of certification from each member's chief legal officer assuring that:

(i) The member has the legal authority to enter the consortium agreement;

(ii) State and local law permits the provision of services within the entire geographical area covered by the agreement; and

(iii) Pursuant to State or local law, each consortium member jointly and separately accepts responsibility for the operation of the program.

(6) A statement that:

(i) The grant shall be signed by the chief-elected official or chief executive officer of each consortium member; or

(ii) As designated in the consortium agreement, the grant shall be signed by the chief-elected official or chief executive officer of one or more consortium members or by the chief executive of the administrative unit.

(7) A description of the powers and responsibilities reserved by the consortium members specifying the process by which decisions will be made, the process by which each member will review and approve the CETP, and the procedure by which chief-elected officials will participate in the planning and operation of the program. It shall also describe the powers and responsibilities which will be delegated to an administrative entity, which may be a consortium member or a separate entity, to operate the program, and the name and organizational structure of that entity. The administrative unit may be delegated the power to enter into contracts, subgrants and other necessary agreements; to receive and expend funds; to employ personnel including participants under the Act for the purposes of administering the program; to organize and train staff; to develop procedures for program planning, operation, assessment and fiscal management; to evaluate program performance and determine whether there is a need to reallocate resources; and, to modify the grant agreement with the Department. The administrative arm of the consortium should have responsibility for the entire operation of the program, except that the consortium members shall reserve to the consortium the right of evaluation and the decision to reprogram funds.

(b) The chief-elected official or chief executive officer of each member of a consortium which was a prime sponsor in the prior year shall attest in writing that the agreement remains the same or note the specific changes.

(c) In order to encourage the formation of consortia, that comprise at least 75 percent of labor market areas, the Secretary may use up to 5 percent of the funds available for Parts A, B, and C of Title II to provide additional funding only for such consortia. Prior to making decisions concerning these funds, the RA shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

§ 676.5 Prime sponsor designation.

(a) Upon receipt of a completed preapplication and a consortium agreement, if required, the RA shall designate prime sponsor applicants as prime sponsors and shall notify all applicants in writing of the determination. A grant application package (§ 676.9) shall be sent to each prime sponsor designee.

(b)(1) A State shall not be designated as a prime sponsor for any geographical area within the jurisdiction of any prime sponsor applicant described in § 676.2 (b), (c), (d), (e) and (f) unless such prime sponsor applicant has not submitted an approvable CETP for such area (sec. 101(b)(1)).

(2) A larger unit of general local government shall not be designated as a prime sponsor with respect to the jurisdiction within its area of any smaller eligible unit of general local government unless such smaller unit has not submitted an approvable Comprehensive Employment and Training Plan for such area (sec. 101(b)(2)).

(c) The Secretary shall not designate as a prime sponsor any applicant with less than 100,000 population except in exceptional circumstances and unless it has demonstrated that it qualifies pursuant to § 676.2 (e) of (f).

§ 676.6 Planning process.

(a) Each prime sponsor shall have a planning process which shall involve a broad spectrum of groups and individuals, in the development of the Comprehensive Employment and Training Plan. This process shall utilize the prime sponsor planning council and shall include community groups insofar as they are not represented on the planning council, local educational agencies, community-based organizations, appropriate labor organizations, organizations serving women, local apprenticeship programs, local advisory councils established under the Vocational Education Act of 1963, the youth and private industry councils, and post-secondary institutions (sec. 103(a) (6) and (14)).

(b) Prime sponsors are specifically encouraged to join or initiate local public and private approaches to the coordinated planning and operation of economic, community and employment development activities to accomplish such objectives as reducing outmigration from an area and encouraging private sector investment in order to enhance existing employment opportunities (sec. 103(a)(20) and 105(b)(5)).

(c) Where employment opportunities already exist, or where there is a reasonable expectation of expansion in the near future of such employment potential, prime sponsors shall plan to provide, to the extent consistent with the needs and interests of program participants, employment and training opportunities in the development and use of solar, geothermal, hydroelectric and other alternative energy technologies, and conservation (sec. 121(m)).

(d) Prime sponsors shall coordinate with the appropriate apprenticeship agency in establishing arrangements to promote the use of apprenticeship training or other on-the-job training for veterans, under Section 1787 of Title 38, United States Code (sec. 121(b)(2)(C)).

§ 676.7 Prime sponsor planning councils.

(a) Each prime sponsor shall establish a planning council (sec. 109(a)).

(b) Each prime sponsor shall appoint to its planning council members broadly representative of the significant segments, as defined in § 675.4, who are

representative of the eligible population, CBO's, the employment service, veterans organizations (a congressionally chartered veterans organization or an organization incorporated as a veteran's service organization under appropriate laws of the State in which they are located), representatives of handicapped individuals, vocational education agencies, public assistance agencies, other education and training agencies and institutions, business (e.g., representatives of a locallybased business firm, the National Alliance of Business, or Chamber of Commerce), organized labor (e.g., representatives of the central labor council, or the principal labor organizations in the areas where employment or training activities are expected or apprenticeship programs), employees who are not represented by organized labor, and, where appropriate, agricultural employers and workers (sec. 109(b)). Each mandated planning council member shall not represent more than one of the above groups or organizations and shall have voting privileges. Staff of State or local government agencies shall not take the place of representatives of the participant communities which their agencies serve.

(c) The prime sponsor shall designate a person who is not an elected official of or an employee of the prime sponsor as chairperson and furnish staff to provide professional, technical, and clerical assistance to the council (sec. 109(c)).

(d) The Planning Council shall:

(1) Meet no less than five times per year. The meetings shall be publicly announced, open and accessible to the general public, and a record of the proceedings shall be maintained by the prime sponsor at a location accessible to the public (sec. 109(d));

(2) Actively participate in the development of, and submit recommendations regarding, the prime sponsor's CETP and the basic goals, policies, and procedures of the prime sponsor's program (sec. 109(e));

(3) Consider any comments and recommendations of the Private Industry and Youth councils (sec. 109(f)); and

(4) Continuously analyze the need for employment, training and related services in the prime sponsor area, including efforts to reduce and eliminate artificial barriers to employment, and shall monitor and evaluate employment and training programs in the prime sponsor area and make recommendations with respect to them (sec. 109(e)); and

(5) Plan for the coordination and involvement of the local CETA program with the Targeted Jobs Tax Credit Program established by the Revenue Act of 1978.

(e) Special consideration shall be given to the recommendations of the planning council, but any final decisions with respect to such recommendations shall be made by the prime sponsor (sec. 109(e)).

§ 676.8 Area Planning Bodies.

(a) Balance of State (BOS) prime sponsors, in coordination with units of general local government, shall make arrangements for appropriate area planning bodies to assist in the effective planning and delivery of programs in the BOS (sec. 101(d)).

(b) The BOS shall appoint members of area planning bodies, considering nominations made by local elected officials. The membership shall be composed of groups and organizations which represent a broad cross section of the area to be served and should include the groups and organizations on the Prime Sponsor Planning Councils described in § 676.7(b).

(c) The BOS shall convene the planning bodies at least quarterly to review plans and programs.

(d) Area planning bodies shall be given the opportunity to review and comment upon services to be provided in their area under the CETP.

§ 676.9 Comprehensive Employment and Training Plan (CETP).

(a) Designated prime sponsors shall submit a CETP to apply for financial assistance. The CETP shall consist of two distinct parts, the Master Plan and the Annual Plan.

(1) The Master Plan shall serve as the long-term agreement between the Department and the prime sponsor which describes the established administrative and programmatic arrangements that will govern all programs under the Act operated by the prime sponsor (sec. 103(a)).

(2) The Annual Plan shall be the prime sponsor's yearly plan for providing activities and services to the eligible population.

(3) Detailed instructions for completing the CETP are contained in the *Forms Preparation Handbook*.

(b) The Secretary will, not later than March 31, establish a date for submission of the Annual Plan. With respect to funds allocated to prime sponsors under the Act on the basis of a formula, the Secretary will also provide such prime sponsors a preliminary planning estimate. The Secretary will make available to each prime sponsor a complete and final set of all applicable regulations and necessary application materials no later than May 15, unless the Secretary extends the date. In such cases, the Secretary will allow prime sponsors an additional fiscal quarter to adapt to such regulations and to complete such materials unless such regulations, guidelines, or interpretations do not require a change in the prime sponsor's Annual Plan which is a condition for the Secretary's approval or disapproval of the Annual Plan. The prime sponsor, however, may at its own discretion submit the required change by the date it was originally due (sec. 104(e)).

§ 676.10 Master Plan.

§ 676.10–1 General.

(a) A prime sponsor applying for financial assistance for the first time shall have approved by the RA a signed copy of the Master Plan prior to the execution of an Annual Plan.

(b) A prime sponsor which already has an approved Master Plan shall submit to the RA with its Annual Plan a certification that the Master Plan remains the same or a modification reflecting any changes. In submitting the initial Master Plan and subsequent certification, the prime sponsor shall comply with the comment and publication procedures of § 676.12, and the planning process in § 676.6. The Master Plan shall consist of the Signature Page, Narrative Description and Assurances and Certifications.

§ 676.10–2 Signature page.

By signing the signature page the prime sponsor agrees that all work performed under its CETP will be in accordance with the Act and the regulations.

§ 676.10–3 Assurances and certifications.

Prime sponsors shall assure compliance with the Act, the regulations under the Act, the CETP, the Assurances and Certifications form appearing in the *Forms Preparation Handbook* and, for consortia, the approved consortium agreement (sec. 103(a)(21)).

§ 676.10–4 Narrative description.

The narrative description shall include:

(a) *Statement of purpose.*—(b) *Geographic Area, Population and Labor Market.* (1) A detailed description of the geographic area to be served and demographic characteristics of the population (with data, if available, indicating the number of potential eligible participants from each significant segment and their income and employment status) (sec. 103(a)(1)(A)).

(2) A comprehensive analysis of the local labor market and economic conditions, using existing sources such as the Employment Service, which includes identification of the availability of employment and training in the public and private sectors and the potential for job growth in those sectors (sec. 103(a)(1)(B)).

(3) A statement of long-term program goals related to the improvement of the labor market and economic conditions (sec. 103(a)(2)).

(c) *Approach.* (1)(i) A description of arrangements to ensure that employment and training services are provided to those individuals most in need, including low-income persons, handicapped individuals, older workers facing artificial barriers to employment and persons of limited English-language proficiency (sec. 103(a)(5)(A)).

(ii) The method used to determine priorities for service based on objective locally established criteria using such factors as employment status, household status, level of employability development, handicap, veteran status, age, race, sex or other criteria establshed by the prime sponsor (sec. 103(b)(12)).

(2) A description of the recruitment, intake, and selection methods to be used to identify, and place participants in programs (secs. 103(a)(4)(B) and 103(a)(5)(A)).

(3) A description of the system for developing participant employability plans, including the methods for determining the appropriate training and services to provide to each participant (sec. 205).

(4) A description of job development and placement services, and how these services will relate to, and be coordinated with, other area employment and training opportunities not provided under the Act, including any special activities designed to orient participants for their job responsibilities (sec. 103(b)(6)).

(5) A description of arrangements to provide participants with job search assistance, counseling and other services (sec. 103(a)(4)(B)).

(6) A description of methods to insure compliance with personnel procedures and collective bargaining agreements where participants are engaged in employment and training activities (sec. 103(a)(18)).

(d) *Service Deliverers.* (1) A description of procedures and criteria used to select service deliverers in accordance with § 676.23 (sec. 103(a)(3)(B)).

(2) A description of the criteria used to designate programs of demonstrated effectiveness (sec. 103(a)(4)(A)).

(3) A description of procedures for giving special consideration to employment and training programs of demonstrated effectiveness which are operated by community-based organizations (sec. 123(1)).

(e) *Coordination.* (1) A description of the methods for coordination between the prime sponsor and local State Employment Security Agencies, as provided in the agreement under § 676.23(g) (sec. 103(a)(15)).

(2) A summary of the agreement made with State or local educational agencies or post-secondary institutions for the conduct of employment and training programs (sec. 103(b)(16)).

(3) A description of procedures used to ensure the participation of, and consultation with, local educational agencies, vocational education agencies, community-based organizations, Federal and State agencies, organized labor, apprenticeship programs, business and other institutions and organizations, including women's organizations, in the conduct of programs (sec. 103(a)(8)(A) and (9)).

(4) A description of methods to coordinate programs with employment and training programs administered by the Secretary and other federally-funded programs in the area (sec. 103(a)(8)(B)).

(5) A description of arrangements for the use of skill centers established under section 231 of the Manpower Development and Training Act of 1962 and efforts to promote maximum feasible use of apprenticeship or other on-the-job training opportunities available for veterans under Section 1787 of Title 38 United States Code, and coordination with the appropriate apprenticeship agency (sec. 103(a)(8)(A) and (C)).

(6) A description of procedures concerning academic credit developed in conjunction with the appropriate local educational agency or institution of higher education and approved by the appropriate State educational agency (sec. 103(a)(16)).

(7) A description of plans and activities to coordinate, strengthen, and expand employment and training activities with economic development activities in the private sector (sec. 103(a)(20)).

(8) A description of arrangements for implementing responsibilities under the Targeted Jobs Tax Credit program established by the Revenue Act of 1978.

(f) *Prime Sponsor Planning.* (1) A description of the functions and responsibilities of the prime sponsor Planning Council (secs. 109(e) and 103(a)(10).

(2) A description of the procedures used to ensure that council meetings are publicly announced, open and accessible to the general public, and that minutes of such meetings are maintained (sec. 109(d)).

(3) A description of staff support provided by the prime sponsor to the council (sec. 109(c)).

(4) A list of the groups within the community represented on the council (sec. 109(b)).

(5) A description of procedures used to select members of the council (sec. 103(a)(4)(C)).

(6) A description of the methods and arrangements for the participation of groups not directly represented on the council as required by § 676.6, Planning Process, (sec. 103(a)(6) and 103(a)(14)).

(7) A description of efforts to involve the private sector in the design and implementation of programs (sec. 103(b)(8)).

(8) A description of coordination and consultation linkages between the Prime Sponsor Planning Council, Youth Council, and Private Industry Council (secs. 109(f) and 103(a)(4)(C)).

(g) *Management and Administration.* (1) Organizational Structure and Staffing.

(i) A description of the prime sponsor's organizational structure (sec. 103(a)(4)(A)).

(ii) A description of procedures to recruit and select administrative staff (sec. 103(a)(4)(A)).

(iii) A description of the Personnel Merit System including any plan for obtaining an acceptable personnel system as required in § 676.43 (Administrative Staff and Personnel Standards).

(2) Administrative Controls. A description of arrangements and procedures for:

(i) Management Information System (including accounting, participant tracking system, client record and reporting systems) (sec. 103(a)(11));

(ii) Evaluation and monitoring system, including the independent unit responsible for monitoring programs and subrecipients (secs. 103(a)(12) and 121(o)(3));

(iii) Fiscal and program auditing, including procedures for auditing sub-recipients and bonding (secs. 103(a)(12) and 134);

(iv) Supervising deliverers of services (sec. 103(a)(4)(A));

(v) Determining and verifying eligibility of applicants, including the quarterly sampling procedures as required in § 676.75 (sec. 103(a(11));

(vi) Allowance payments system, including waiver provisions (sec. 124);

(vii) A description of methods to ensure compliance with the retirement provisions set forth in § 676.28 (sec. 121(j)).

(viii) A description of procedures to ensure that funds received under the Act will be used in compliance with the maintenance of effort provisions set forth in § 676.73 (sec. 121 (e) and (g), 122 (c) and (e))

(3) Grievance procedures. A description of the procedures for resolving any complaints or grievances alleging violation of the Act, regulations, and CETP from CETA participants, contractors, subrecipients and other parties (secs. 106 and 103(a)(4)(A)).

(h) *Nondiscrimination and equal employment opportunity.* (1) A description of the mechanisms which will be used to ensure nondiscrimination and the provision of equal employment opportunities (sec. 103(a)(5)(B)).

(2) A description of plans and procedures concerning affirmative action, as described in § 676.53.

(3) A description of efforts and procedures to eliminate artificial barriers to employment and occupational advancement for CETA participants, including the hiring, licensing and contracting activities of subrecipients and contractors of the prime sponsor (sec. 103(a)(19) and 103(b)(11));

(4) A description of efforts to remove architectural barriers to employment of the handicapped (sec. 121(a)(5)).

(i) *Public Service Employment.* (1) An explanation of the basis for distributing funds and the basis upon which job allocation to each employing agency will be made (sec. 123(i) and 606(b)).

(2) A description of the process for selecting project applicants including (sec. 605 (a) and (b)):

(i) The methods and criteria to be used for soliciting and approving project applicants;

(ii) The role of the planning council in the approval process (sec. 109(e)(1));

(3) A description of the items required on the project applications including at least the following information (sec. 605(b)):

(i) Description of project;

(ii) Goals and objectives;

(iii) Number of persons to be served; and

(iv) Length of project.

§ 676.11 Annual plan.

(a) *General.* (1) The Annual Plan including its subparts shall be prepared pursuant to provisions in this section and §§ 676.41, 677.15, 677.33, 677.56, 678.6, 679.4, 680.5, 680.104, 680.207, and 680.304 as appropriate.

(2) In submitting the Annual Plan for RA approval, prime sponsors shall comply with the comment and publication procedures in § 676.12 and the planning process in § 676.6. The Annual Plan shall consist of an Application from Federal Assistance (SF–424), Narrative Description and Program Planning Summaries, Budget Information Summaries and other forms as appropriate.

(b) *Application for Federal Assistance.* The Application for Federal Assistance (SF–424) shall identify the total amount of funds requested for programs under Parts 677, 678, 679, and 680.

(c) *Narrative Description.* The narrative description shall include:

(1) A summary of any evaluation conducted of the program(s) in the previous year and current year to date and a description of the use made of such evaluation (sec. 103(b)(14)).

(2) A detailed summary of the expenditures made during the preceding year, and of results achieved and changes made in the Annual Plan for the program year (sec. 103(b)(5)).

(3) A summary of the extent to which special needs of the handicapped have been met during the previous year, including the number served, type of training provided and the number placed in unsubsidized employment (sec. 103(b)(15)).

(4) A list of the specific training subgrants and agreements from the current year, including the rate of positive termination for program completers (sec. 103(b)(13)).

(5) Approach.

(i) A description of specific programs or services, including apprenticeship programs, if any, designed specifically for those segments of the population who are experiencing severe handicaps in obtaining employment, including individuals who lack credentials, require basic and remedial skills development, have limited English-language proficiency, are handicapped, are disabled or Vietnam-era veterans, are offenders, are displaced homemakers, are public assistance recipients, are persons 55 years of age or older, are youth, are single parents, are women or other individuals having particular disadvantages in the labor market (sec. 103(b)(3); sec. 214; sec. 215; and sec. 216).

(ii) A statement of any intention to apply for and utilize funds provided under the Act which are not allocated by formula (sec. 103(b)(9)).

(iii) A description of the efforts to be undertaken to increase the participation of qualified disabled and Vietnam-era veterans (sec. 121(b)(2)(A)).

(iv) A description of the plans and methods to be used to provide opportunities for minority-owned businesses and small businesses (including those owned by women), to compete for procurement contracts such as the use of set-asides where appropriate (sec. 121(k)).

(v) A description of how program activities will contribute to occupational development, upward mobility, development of new careers and overcoming of sex stereotyping, including procedures which will lead to skill development and job opportunities for participants in occupations traditionally limited to individuals of the opposite sex (secs. 103(a)(5)(C) and 121(f)(1)).

(vi) A description of any outstationing of PSE participants in accordance with § 676.25 concerning employment and training activities and the reasons why such outstationing is necessary.

(vii) A description of provisions to safeguard programs from political activities.

(6) Annual Plan Subparts for each program to be operated under the Act as required by §§ 677.15, 677.33, 677.56, 678.6, 679.4, 680.5, 680.104, 680.207, and 680.304.

§ 676.12 Comment and Publication Procedures Relating to Submission of the CETP.

(a) Prime sponsors shall make public the provisions of the Plan prior to submission to the RA through such means as public hearings, public notice in newspapers, bulletins, or other media, including publications that primarily serve significant segments of the eligible population (sec. 104(a)(3)).

(b)(1) Each prime sponsor shall publish at a minimum in one issue of a newspaper or newspapers of general circulation in the prime sponsor's area (including minority newspapers, where applicable) a statement indicating the following information:

(i) The source of funds;

(ii) The amount requested;

(iii) A brief summary of the purpose of the proposed program and activities; and

(iv) The location and hours when the CETP and a comparison of performance against the prior year's plan through the most recent quarter, can be reviewed and the address and phone number where questions and comments may be directed.

(2) The prime sponsor shall publish the statement at least 45 days prior to the submission of the CETP to the RA in

order to allow at least 30 days of review and comment. In addition, a copy of the newspaper article shall be transmitted to the RA (sec. 104(a)(3)).

(c)(1) Each prime sponsor shall, at least 45 days before submitting its CETP to the RA, allow at least 30 days for review and comment by providing the complete Plan, to the Governor, the State employment and training council, the prime sponsor planning council, appropriate labor organizations, and the private industry council, with notice of the opportunity to review the plan going to appropriate units of general local government in its area, and appropriate native American recipients (sec. 104(a)(1)).

(2)(i) Copies of the comments and recommendations of the Governor, the State employment and training council, and the prime sponsor planning council shall be transmitted to the RA with submission of the Plan, or if the comments are received after the submission of the Plan, they may be sent separately to the RA (sec. 104(b)).

(ii) The prime sponsor shall provide an explanation for the rejection of recommendations made by the planning council, including monority reports, which were not included in the Plan (sec. 103(a)(17)).

(d) At the same time, each prime sponsor shall provide written notification of the availability of the Plan to each House of the State Legislature for appropriate referral, to appropriate community-based organizations of demonstrated effectiveness including appropriate women's organizations, and appropriate educational and apprenticeship agencies and institutions (sec. 104(a)). Prime sponsors shall allow at least 30 days for review and comment.

(e) If a State or areawide clearinghouse notifies a prime sponsor that it wishes to review the complete Plan, the applicant shall also provide a copy of such to the clearinghouse(s) 45 days prior to its submission to the RA.

(f) When the PSE occupational summary has not been finalized at the time the Plan is made available for public comment, the prime sponsor shall make the PSE occupational summary available for a 30-day comment period at the time of submission to the RA as described in paragraph (c)(1) of this section.

(g) A prime sponsor shall acknowledge all written comments and shall inform in writing any party submitting a substantive written comment of whether any Plan revision will be made in response to the comment and the reasons for the prime sponsor's determination. The prime sponsor shall provide, upon request, copies of all written comments to the planning council and the Governor (sec. 104(b)).

(h) If no comments are received from an A–95 Clearinghouse, or if the Clearinghouse has not requested to review the CETP, the prime sponsor applicant shall so note this on Standard Form 424.

§ 676.13 Submission of the CETP.

(a) Each designated prime sponsor shall simultaneously submit to the RA by a date set by the Secretary:

(1) An Annual Plan;

(2) A certification that the Master Plan remains the same or a modification reflecting any changes; and

(3) An Approval Request Letter.

(b) Newly designated prime sponsors shall submit and have the Master Plan approved by the RA prior to the approval of the Annual Plan. An Approval Request Letter shall accompany the submission.

§ 676.14 Review, Approval and Disapproval of the CETP.

(a) *Plan review.* The RA shall review each CETP to determine if:

(1) It is complete and meets the requirements of the Act and regulations (sec. 104(c)).

(2) Prime sponsor's performance and placement goals are adequate in light of performance standards which recognize that performance will vary with local conditions and the nature of employment barriers faced by the eligible population to be served (sec. 126(a)(2)).

(3) The Plan is adequately designed to carry out an effective and well-administered program, taking into account such factors as past program performance and the recommendations made by the Governor, the State employment and training council, and the prime sponsor planning council (sec. 104(c)(1)).

(b) If a clearinghouse has recommended against approval of a Plan because it conflicts with or duplicates another Federal or federally-assisted project, the RA shall consult with the agency assisting the reference projects prior to taking action on the Plan.

(c) *Plan Approval and Disapproval.* (1) The RA shall notify a prime sponsor applicant, the Governor, and the A–95 clearinghouse within 7 days after approving, disapproving, partially or conditionally approving the CETP on the Standard Form 424. In addition, a letter shall be sent to the prime sponsor and Governor. If any party commenting to the RA pursuant to the A–95 clearinghouse review process has made recommendations, and if the RA, after review of the recommendations, makes a determination contrary to the recommendations, the RA shall inform the party making the comment of the reasons for the determination on the Standard Form 424.

(2) With respect to approved plans, the Department shall issue a Notice of Funding Availability to provide funding authority. When funds are obligated incrementally, a new Notice of Funding Availability shall not require a revision of the Annual Plan, or publication, comment or A–95 clearance procedures.

(3) If the Plan is disapproved fully or partially or conditionally approved, the RA shall notify the prime sponsor and the Governor in the letter required by paragraph (c)(1) of this section:

(i) Of the reasons for disapproval;

(ii) Of corrective steps needed to remedy the defects within a specified time but not less than 30 days; and

(iii) That failure to comply with the corrective steps within the specified time will result in final disapproval, which shall be subject to the appeal procedures in Subpart F of this Part.

(4) The approval of the Plan shall not preclude DOL from a subsequent determination that the prime sponsor is in violation of the Act or regulations.

§ 676.15 Use of Alternative Prime Sponsors; Services by the Secretary.

If a Plan is not filed or is disapproved, or if a Plan is terminated in whole or in part, which results in services not being provided in the area:

(a) The Secretary may allocate the funds to service the area to another prime sponsor or, if this is inappropriate, to the Governor; or

(b) The Secretary may make financial assistance directly to public agencies or private nonprofit organizations as if the Secretary were the prime sponsor for that area (sec. 102).

§ 676.16 Modifications.

(a) The RA may require modification of the CETP only once each fiscal quarter, with the exception of changes in the funding allocation level or to ensure compliance with the Act and regulations after consultation with the prime sponsor (sec. 103(c), (106) and (108)).

(b) Modifications of the Master Plan.

(1) The Assurances and Certifications may only be modified by the RA.

(2) Prime sponsors shall obtain prior RA approval of a modification initiated by a prime sponsor which proposes to

make a significant change in the Narrative Description.

(3) Modification requests from prime sponsors shall consist of the following:

(i) Approval Request Letter;

(ii) Revised Narrative Description or revised Assurances and Certifications, if appropriate; and

(iii) A copy of the newspaper announcement required in paragraph (d) of this section, for significant changes to the narrative description.

(c) Modifications to the Annual Plan.

(1) Prior RA approval is required to modify:

(i) The duration of the Annual Plan or Subparts of the Annual Plan.

(ii) The Annual Plan allocation;

(iii) An increase or decrease of 15% or more in the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placements, terminations or individuals to be served within significant segments;

(iv) For Annual Plan Subparts of $100,000 or less, a cumulative transfer of $15,000 among program activities or cost categories;

(v) For Annual Plan Subparts of over $100,000, the cumulative transfer among program activities or cost categories of $50,000 or more or 15 percent of the total plan budget, whichever is greater; or

(vi) Significant changes in program design.

(2) Prime sponsors may not modify their Annual Plan solely to adjust planned performance to meet actual performance.

(3) Modifications to the Annual Plan requested by prime sponsors shall consist of:

(i) Approval Request Letter;

(ii) Revised Form SF 424 (if required);

(iii) Revised Program Planning Summary and Budget Information Summary for current and future quarters only;

(iv) Description of any conforming changes made in the Narrative Descriptions;

(v) Revised Occupational Summary and other forms, if appropriate.

(4)(i) Modification of the Annual Plan pursuant to paragraph (c)(1) of this section must be made within 30 days from the beginning of the quarter in which changes are effective.

(iii) A prime sponsor may make any change, consistent with the regulations, in its Program Planning Summary, Budget Information Summary, or Narrative Description which is not set out in paragraph (c)(1) of this section without prior RA approval, but must notify the RA of any such change within 30 days from the beginning of the quarter in which changes are effective.

(d) Publication and comment procedures specified in § 676.12 shall apply to modifications for which prior RA approval is necessary except that:

(1) Each prime sponsor shall comply with the comment and publication requirements at least 30 days prior to submission of its modification to the RA.

(2) The required newspaper announcement shall include a notice of the prime sponsor's intent to modify, a brief summary of the nature and purpose of the proposed modification, the location where and hours when the complete modification can be reviewed, and the telephone number to which questions may be directed.

(3) (i) The prime sponsor shall clear modifications through the A–95 clearinghouse only if:

(A) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the allocation for any Annual Plan Subpart for the current program year; or

(B) The Annual Plan, or any Subpart, is extended for a period of more than 3 calendar months.

(ii) When A–95 clearance is required, the notice from the prime sponsor to the clearinghouse shall consist of a revised SF 424 and a brief description of the anticipated modification. If within 15 days of the notice, the prime sponsor receives no notice from the A–95 clearinghouses that it wishes to review the modification, the prime sponsor may submit the modification to the RA without A–95 clearance.

(e) The RA shall approve or disapprove proposed modifications fully or partially within 30 days of receipt, and, within 7 days of such action, notify the prime sponsor and the Governor in writing of the decision. The procedures in § 676.14 (b) and (c)(1) concerning review, approval and disapproval shall apply to modifications.

Subpart B—Program Design and Management

§ 676.21 General responsibilities of CETA recipients.

This Subpart sets out program operation requirements for CETA recipients, including: program management, linkages, coordination and consultation, allowable activities, participant benefits, and duration of participation provisions.

§ 676.22 Program management systems.

(a) All recipients shall establish management systems to assess all programs. Recipients shall take necessary corrective action to remedy deficient performance under their grant and to plan for more effective programs.

(b) Prime sponsors shall institute and maintain effective systems for the overall management of their programs, including but not limited to:

(1) Program monitoring systems as described in § 676.75–2;

(2) Eligibility verification systems as described in § 676.75–3;

(3) Complaint and Hearing Procedures as described in § 676.83;

(4) Mechanisms for taking immediate corrective action where problems have been identified.

(c) All recipients shall establish and maintain financial management and participant tracking systems in accordance with § 676.34. Such systems shall be designed to enable the recipient to effectively manage its program and to provide information necessary to design program activities and delivery mechanisms best suited to resolve employment and training problems (Sec. 104(c)(3)).

(d) Each recipient shall establish and use procedures for the systematic assessment on a quarterly basis of program performance in relation to the goals contained in its grant. Recipients shall:

(1) Establish written quantified goals for each activity and service and for each subrecipient based on the specific program purposes of the service, activity or subgrant;

(2) Establish and use procedures for collecting performance information (including information on the status of individuals subsequent to entering unsubsidized employment) and for assessing such information in terms of the goals contained in its grant;

(3) Establish and use procedures for identifying performance problems and for developing and implementing appropriate remedial actions (sec. 103(a)(4)(A)).

(e) Recipients shall establish and use procedures whereby the information collected and assessments conducted shall be considered in subsequent program planning and in the selection of deliverers. Prime sponsors shall provide program assessments to their Planning Council and, as appropriate, to their Youth and Private Industry Councils.

§ 676.23 Program Linkages and Selection of Deliverers.

(a) Prime sponsors shall follow the procedures in this section regarding the selection of deliverers of service.

(b) Prime sponsors shall compile and maintain a publicly available inventory of potential service deliverers which have expressed in writing an interest in

being on the inventory (sec. 103(a)(3)(B)).

(c) In selecting service deliverers, prime sponsors shall give special consideration to community based organizations with programs of demonstrated effectiveness in the delivery of employment and training services (sec. 123(l)). Such special consideration shall consist of the following: §

(1) Community based organizations shall be actively involved in the prime sponsor's planning process, as described in § 676.6, § 676.7, § 676.10–4, and § 676.12.

(2) Prime sponsors shall establish a mechanism for providing special consideration, including at least the following steps:

(i) Written or other public notification which ensures that appropriate CBO's are notified of the availability of funds with a request that all potential deliverers of employment and training services who wish to be placed on the inventory submit to the prime sponsor the following information:

(A) The name of the organization interested in receiving funds;

(B) The types of service and activities the organization is interested in providing; and

(C) The types of services and activities the organization has provided in the past, the number and types of people served, and documentation regarding the effectiveness of these services.

(ii) Using specific objective criteria, the prime sponsor shall determine which of the potential service deliverers on the inventory described in paragraph (b) have operated programs of demonstrated effectiveness, as defined in § 675.4

(iii) The prime sponsor shall provide individual notice to each CBO, determined to be of demonstrated effectiveness, of the planned activities and services so that it may apply.

(iv) In the selection of service deliverers, the prime sponsor shall give special consideration to CBO's of demonstrated effectiveness in the delivery of employment and training services. For example, in competitive procurement procedures, the prime sponsor may afford special consideration through additional points in a rating system.

(v) If the prime sponsor, after considering a CBO of demonstrated effectiveness as a service deliverer does not select such CBO, it shall, upon request, provide the reasons for non-selection in relation to its criteria for selection to the affected CBO and the RA.

(d) Consideration shall be given to making use of appropriate services currently available in the community, with or without reimbursement, which the prime sponsor has determined to be effective. Agencies which typically provide such services include, but are not limited to: the State Employment Security Agency, State Vocational Education and Rehabilitation agencies, State public assistance agencies, area skill centers established under Sec. 231 of the Manpower Development and Training Act of 1962, local education institutions, community based organizations, and other public agencies. The purpose of this consideration shall be to avoid duplication and to obtain such services at a cost saving over establishing another such service or activity (Sec. 103(a)(7) and 121(g)).

(e) Nothing in paragraphs (a) through (d) of this section shall be construed as prohibiting the prime sponsor from utilizing the services and facilities of public or private agencies, institutions or organizations, such as private business, labor organizations and private educational and vocational institutions which the prime sponsor reasonably believes can provide substantially equivalent or better services or facilities, on the basis of such factors as quality of service or cost effectiveness (sec. 103(a)(7)).

(f) In order to maximize the level of coordination and minimize duplication, each prime sponsor shall enter into a written cooperative agreement with the State Employment Security Agency which delineates the responsibilities of each and covers, at a minimum:

(1) Coordination of the employment and training services under the prime sponsor's plan with those funded under the Wagner-Peyser Act, 29 U.S.C. 49 *et seq.*

(2) A description of arrangements for coordination of employer contacts and other activities involving employers;

(3) Allowance payment systems;

(4) Arrangements to undertake and coordinate activities, including income determination, referral, and publicity functions under the Targeted Jobs Tax Credit program established by the Revenue Act of 1978, Pub. L. 95–600; and

(5) Arrangements to provide the SESA with information on available public service employment positions in order that such information may be provided to unemployment insurance recipients and other applicants for services from the State Employment Security Agency (sec. 122(1)).

(g) A copy of the agreement described in paragraph (f) of this section shall be made available to the RA upon request.

(h) If a prime sponsor plans to provide a service which is available from the SESA at no cost, the prime sponsor shall justify such non-use in its Annual Plan.

(i) Each prime sponsor shall to the maximum extent feasible:

(1) Coordinate the employment and training services provided under its plan with those available under other programs funded through the Department of Labor and with self-employment training programs (sec. 103(a)(8));

(2) Coordinate services to veterans provided under this Act with those activities authorized by Chapter 41 of Title 38, United States Code (relating to counseling and employment services to veterans provided by SESA's) and with other similar activities carried out by other public agencies and organizations. Coordinate services with the appropriate Veterans Administration facilities in utilizing the apprenticeship and other on-the-job training activities available under Section 1787 of Title 38 U.S. Code (sec. 121(b) and sec. 103(a)(8)).

(3) Consult with the appropriate apprenticeship agency concerning any training activities in apprenticeable occupations.

(j) When a prime sponsor plans to conduct training in an apprenticeable occupation, such training should be designed in conjunction with an appropriate registered apprenticeship program.

(k) Prime sponsors shall coordinate services to AFDC recipients with public assistance agencies and the local sponsor, if any, of the Work Incentive Program (WIN).

(l) In designing employment and training programs, the prime sponsor shall consider activities such as:

(1) Weatherization and winterization projects for the near poor, which are families having incomes which do not exceed 125 percent of the poverty level as determined by the Director of the Office of Management and Budget, and projects approved by the Community Services Administration pursuant to Section 222(a)(5) of the Economic Opportunity Act of 1964, 42 U.S.C. 2809, or Department of Energy pursuant to Title IV of the Energy Conservation and Production Act of 1976, 42 U.S.C. 6851.

(2) Housing rehabilitation as part of community betterment and improvement, including code enforcement, upgrading of senior citizens housing, removal of physical barriers for handicapped residents,

homesteading activities and other provided the dwellings where work is performed on low-income housing.

(3) Energy conservation projects for low-income housing, especially those that reduce nonrenewable resource consumption.

(4) Community and economic development activities such as beautification, recreation, organization, resource planning, park improvement and activities funded through Federal Agencies such as Department of Health, Education and Welfare, the Department of Energy, the Community Service Administration, and the Department of Commerce.

(m) Where activities in § 676.23(1) are involved, the prime sponsor shall ensure that such activities are supervised by an adequate number of supervisory personnel who are adequately trained in the skills needed to carry out such activities and to instruct participants in the skills needed to perform the work involved.

§ 676.24 Labor organization consultation and/or concurrence.

(a) To ensure the most effective development of employment and training opportunities, prime sponsors are to provide for the participation of organized labor in the planning and design of programs and activities, and coordination in the subsequent operation of such programs (sec. 103(a)(9)).

(b) In addition to involving labor organizations in the planning process as specified in (a) above, prime sponsors and subrecipients as appropriate shall:

(1) Consult with appropriate labor organizations in the design and content of the training, work experience, public service employment, Vocational Exploration Program (VEP), OJT, and other appropriate activities with respect to job descriptions, wage rates, training arrangements, and occupations planned;

(2) Obtain written concurrence from the appropriate bargaining agent where a collective bargaining agreement exists with the participating employer covering occupations in which training or subsidized employment is proposed. Such concurrence shall apply to the elements of the proposed activity which affect the bargaining agreement, such as wages and benefits. If no response is received within 30 days, the program may proceed (sec. 103(a)(18)).

(3) Maintain evidence of the results of such consultation or concurrence.

§ 676.25 Employment and training activities.

Recipients and subrecipients may conduct the following activities:

§ 676.25–1 Classroom training.

(a) This program activity is any training of the type normally conducted in an institutional setting, including vocational education, and it is designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses such as remedial education, training in the primary language of persons with limited English language proficiency, or English-as-a-second-language training.

(b) In designing and operating training programs recipients and subrecipients shall:

(1) Refer a person for occupational training only after determining that there is a reasonable expectation of employment in the occupation in which such person would be trained (sec. 121(f)(4)).

(2) Not refer a person to an occupation which requires less then two weeks of preemployment training unless there are immediate employment opportunities for that person available in that occupation (sec. 121(f)(2)).

(3) Train persons only for jobs which are neither in industries nor occupations with lower wages than similar occupations in comparable industries in the area. Notwithstanding the above, training is permissible for such jobs when there exists a training program of a specified length of time designed to teach specific skills, and when the rate of labor turnover does not exceed substantially the rates of labor turnover for all jobs in the same area. Data for average wages for comparable industries and the average rate of turnover may be found in the BLS Handbook of Labor Statistics (sec. 123(a)).

§ 676.25–2 On-the-job training.

(a) *General.* (1) This section applies to private and public sector on-the-job training (OJT) alike, except that public sector OJT agreements entered into prior to April 1, 1979, may be honored as originally executed.

(2) On-the-job training (OJT) is training in the private or public sector given to a participant, who has been hired first by the employer, and which occurs while the participant is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job. This does not preclude a participant who has been hired by, and received OJT from, one employer from being ultimately placed with another employer.

(3) OJT may be coupled with other CETA employment and training activities as specified in § 676.25–7 and § 676.26–3. OJT participants may receive any of the employment and training services or supportive services specified in § 676.25–5 through the CETA system, through community resources, or through employer resources.

(b) *Participation.* All OJT participants must meet the eligibility requirements described in § 675.5. Recipients shall establish procedures for the referral of participants to OJT. Such procedures should use the information available through the system for Intake and Assessment (see § 675.6). These procedures shall insure that, to the maximum extent feasible, those most in need are served in accordance with the following guidelines:

(1) Primarily, OJT opportunities should be offered to those most in need, who lack the related education, training, or work experience for the job for which training is offered.

(2) Recipients may also refer persons to OJT who have related education, training or work experience when no other suitable opportunities exist for such individuals, either in unsubsidized employment or within the CETA system.

(c) *Selection.* From among those referred for OJT opportunities, the employer may make the final selection of participants based on suitability for the training opportunity.

(d) *Length of Training.* The length of time for which payments from CETA funds may be made shall not exceed that period of time generally required for acquisition of skills needed for the position within a particular occupation (sec. 121(1)). Recipients shall develop standardized methods for determining the length of training for OJT occupations, and shall describe or identify such methods in the Annual Plan. The Dictionary of Occupational Titles' Specific Vocational Preparation (S.V.P.) codes, or other equivalent standardized tools should be used to fulfill this requirement.

(e) *Eligible Jobs.* The training limitations of § 676.25–1(b) (1), (2) and (3) shall apply to OJT. In the selection of jobs for which training will be offered, recipients shall consider those which provide opportunities not otherwise available, lead to economic self-sufficiency, and provide upward mobility.

(f) *Reimbursement.* Costs incurred by employers are to be reimbursed in accordance with §§ 676.41–1 (a), (d) and (e) and 676.41–3(b).

(1) Based upon past experience, DOL has determined that a fixed unit cost method of reimbursement for OJT training costs based on 50 percent of the participant's wages (but not fringe benefits) represents the difference between the costs of recruiting and training and the costs of lower productivity associated with employing CETA participants to perform the job and the costs for others similarly employed.

(2) To maximize limited available resources, recipients may negotiate lower reimbursement levels with employers.

(3)(i) Should an employer or recipient believe that special circumstances, as discussed in paragraph (f)(3)(iii) of this section warrant a reimbursement level for OJT training costs higher than the 50 percent limitation, each circumstance, along with the specified level and its rationale, shall be presented in the recipient's Annual Plan. Recipients may then negotiate OJT agreements under these circumstances at the reimbursement level approved in the plan without any further DOL approval. The circumstances and the reimbursement level in such cases should also be documented in each OJT agreement.

(ii) If a circumstance not covered in the Annual Plan arises which the recipient believes warrants reimbursement for OJT training costs at higher than the 50 percent level, an Annual Plan modification request shall be submitted to the RA in accordance with § 676.16(c)(1) and (c)(3). No publication or comment procedures will be required. Once the modification is approved, the recipient may sign the OJT agreement, documenting the approved circumstances and the reimbursement level in the OJT agreement.

(iii) Special circumstances are envisioned as those where the characteristics of the participant indicate greater obstacles to employment than those of the normal CETA participant or where the training would provide the participant with unusually high skills. Examples include the following, among others: Handicapped or mentally retarded participants; disabled veterans; ex-offenders; and exceptionally costly programs providing an above-average intensity of training.

(4) Recipients may provide OJT reimbursement on a scheduled declining ratio to wages over the period of training, as long as the planned average reimbursement does not exceed the specified reimbursement level for the planned period of training. Recipients shall monitor the declining reimbursement provisions of OJT agreements closely. Should abuse occur (e.g., significant numbers of participants leaving after the "high end of the scale" reimbursement period), this reimbursement procedure shall be immediately altered or curtailed.

(5)(i) In addition to the reimbursement for OJT training costs allowed by paragraphs (f)(1) through (4) of this section, the actual costs incurred by an employer for classroom training or for employment and training services and supportive services for OJT participants, as defined in § 676.25–5(b) and (c), may be reimbursed. As indicated in § 676.25–7(b), an employer may also be reimbursed for the costs of participant wages paid by the employer for any time spent during working hours by an employee in such activities. All costs incurred as a result of the provisions of this paragraph must be documented by the employer.

(ii) Any reimbursement made pursuant to paragraph (f)(5)(i) of this section may only be for classroom training, employment and training services and supportive services which are different than or above the level of such training or services normally provided by the employer to regular employees.

(g) *OJT Agreements.* Employers will be held responsible with respect to CETA costs only in accordance with the provisions of their OJT agreement. The OJT agreement shall contain at a minimum the elements listed below. Recipients may place additional provisions in the OJT agreement only after a careful assessment is made of the additional burdens imposed on participating employers. Agreements may only be entered into with employers which have not been seriously deficient in their conduct of or participation in any DOL program described in § 676.38(b). The minimum elements are (sec. 121(o)):

(1) A brief training outline, including the length of training and the nature of the training;

(2) The method and maximum amount of reimbursement for OJT training; justification if the reimbursement amount exceeds 50 percent of the participant's wages;

(3) The number of participants to be trained;

(4) A job description and specification of participant wage rates;

(5) Reporting requirements;

(6) A requirement that employers are to keep track of participant's attendance, and a description of the payroll records, time and attendance records, and job duties statements that the employer will be required to maintain;

(7) Specification of any costs to be reimbursed above the OJT training costs (i.e., classroom training costs, employment and training services, and supportive services costs), as indicated in paragraph (f)(5) of this section, and the documentation the employer will be required to maintain on such costs;

(8) A termination clause for non-performance; and

(9) An assurance that the employer will comply with the Act and regulations.

§ 676.25–3 Public Service Employment.

(a) Public service employment (PSE) is subsidized employment with public and private nonprofit employers who provide public services.

(b) PSE jobs shall be provided, to the extent feasible, in occupational fields which are most likely to expand within the public or private sector (Sec. 122(m)).

(c)(1)(i) PSE participants may not be outstationed to worksites, except if the prime sponsor demonstrates in its annual plan that:

(A) The worksite lacks the administrative capability to perform the personnel, recordkeeping, reporting or other required functions for these additional employees; or

(B) That requiring the worksite to be the employing agency would create a significant administrative or programmatic impediment to accomplishing the purposes of the Act such as requiring subagreements with an excessive number of worksites with a small number of participants; or

(C) The participant's wages, benefits and working conditions are the same or substantially equivalent to those of regular employees at the worksite.

(ii) In the case of (A) and (B) above participants shall receive the same wages, benefits and working conditions as those received by similarly employed employees at the employing agency. In the case of (c), participants shall receive the same wages, benefits and working conditions as similarly employed employees at the worksite.

(iii) Nothing in the preceding paragraph shall limit outstationing to a Federal agency.

(iv) The administrative arm of a prime sponsor consortium, except those which are units of general local government,

may not outstation PSE participants, except:

(A) When the wages and benefits of the participants are the same as those of the similarly employed regular employees at the worksite;

(B) When the specific concurrence of the bargaining agent at the worksite is obtained; and

(C) When the worksite is other than a State or a unit of general local government of 50,000 population or greater.

(2) For Fiscal Year 1979, the prior approval of the RA shall be required only where PSE participants are to be outstationed to worksites of a prime sponsor or of any unit of general local government with a population of 50,000 or more.

(3) No PSE participant shall be outstationed for the purpose of denying or reducing the wages or benefits to which the participant would otherwise be entitled. No PSE participant shall be outstationed to a worksite where the employees of that worksite performing the same or substantially similar job duties are paid at a rate less than the highest of that established under Section 6(a)(1) of the Fair Labor Standards Act or the applicable State or local minimum wage.

(4) PSE participants who were outstationed as of March 31, 1979 may continue to be outstationed to the same worksite until transferred to a different worksite or terminated from PSE.

(5) When filling teaching positions in schools under local educational agencies under Title VI, prime sponsors shall not outstation but shall subgrant with the appropriate local educational agencies pursuant to section 678.3(j) of these regulations. (Sec. 603(b).)

(6) Outstationed participants are to be considered employees of the employing agency and shall have the same working conditions and benefits as those received by other similarly employed employees of the employing agency, except as provided in paragraph (c)(1)(ii) above. However, maximum efforts should be made by the employing agency to accommodate the outstationed worksite by coordinating work hours and holidays.

(d) PSE participants shall not be employed in building and highway construction work (except that which is normally performed by the recipient or subrecipient) or in any work which primarily benefits a private-for-profit organization.

(e) Except for Title VI projects under Part 678, PSE jobs shall be entry level (sec. 232(a)(1) and sec. 605(a)).

(f) To the extent feasible, the public services provided by the jobs should be designed to benefit the residents of the area (sec. 122(a)).

(g) Recipients shall take into account household obligations and give special consideration to providing alternative working arrangements such as flexible hours of work, work-sharing and part-time jobs, particularly for older workers, and parents of young children (sec. 121(d)(3)).

§ 676.25–4 Work experience.

(a)(1) Work experience is a short-term or part-time work assignment with an employing agency. It is prohibited in the private-for-profit sector. It shall be designed to enhance employability of individuals through the development of good work habits and basic work skills.

(2) Work experience shall be limited to persons who need assistance in becoming accustomed to basic work requirements including basic work skills, in order to be able to compete successfully in the labor market. It is for persons who have either never worked or who have not been working for an extended period of time, such as students, youth in transition from school to employment, youth with no definite employment goals, chronically unemployed, retired persons, handicapped individuals, residents of institutions, and older workers in such programs as Operation Mainstream, who have no alternative job opportunities (sec. 121(i)).

(3) Persons who do not satisfy the conditions of paragraph (a)(2) of this section may be placed in work experience for no more than 30 days while an appropriate classroom training, OJT, PSE or unsubsidized job is being developed for them (sec. 211(6)).

(4) Work experience shall not be used as a substitute for PSE. Recipients shall distinguish between the work experience and PSE activities in their programs as specified in § 677.15 on the Title II Annual Plan Subpart. The activities shall be distinguished on the basis of the types of individuals employed, the level of supervision required, and the level of proficiency or performance required.

(5) Participation in work experience shall be for a reasonable length of time based on the needs of the participant, and subject to the restrictions on duration set forth in § 676.30.

(6) The provisions of § 676.25–3(g) regarding household obligations and alternative working arrangements apply to work experience.

(b) At least every 60 days, recipients shall review and document the progress of each work experience participant to determine whether transfer to another activity or placement in unsubsidized employment is more appropriate than remaining in work experience, based on whether the work experience has achieved its purpose. However, this shall not apply to a participant in the Summer Youth Employment Program.

(c)(1) A supported work program is a specialized type of work experience in which the primary goal is to transition participants into the regular work force after a specified term of program employment. The work experience provided by the program shall include the following programmatic techniques: (i) Crew work; (ii) intensive supervision at worksites; (iii) progressive levels of difficulty; (iv) a system of wage increases and bonuses tied to participant performance and (v) a system of regularized performance evaluation.

(2) Supported work programs shall be designed to provide job readiness training and job placement assistance to participants when their program performance indicates readiness for transition to unsubsidized employment. Referrals to this program shall be primarily those individuals who have worked no more than three months in one regular job during the six months prior to program enrollement, and who have a verifiable personal history which tends to limit their employment prospects (e.g., drug or alcohol addiction, incorceration, long-term receipt of welfare payments). Participation limitations for individuals enrolled in this program may be extended based on the waiver provisions for work experience found in § 676.30(g).

§ 676.25–5 Services.

This program activity includes services to applicants, employment and training services, supportive services, and post-termination services. Such services are designed to lead to maximum employment opportunities and retention of employment or to facilitate participation in other employment and training program activities funded under this Act or in another Act, leading to eventual placement in unsubsidized employment.

(a) *Services to applicants.* Such services include:

(1) Outreach; and

(2) Intake: This includes screening for eligibility; the initial determination as to whether the program can benefit the individual; the determination of the employment and training activities and services which would be appropriate for

the applicant; the determination of the availability of an appropriate employment and training activity; a decision on selection; and dissemination of information on the program.

(b) *Employment and training services.* Such services include but are not limited to:

(1) Orientation to the world of work;

(2) Counseling. This includes employment related counseling, and testing;

(3) Employability assessment (other than that involved during intake);

(4) Job development;

(5) Job search assistance. This includes transition services, such as job seeking skills instruction, individualized job search plan, labor market information, and other special activities for transition to unsubsidized employment;

(6) Job referral and placement;

(7) Targeted Jobs Tax Credit eligibility determination and referrals; and

(8) Vocational exploration program (VEP). A recipient may conduct a VEP program to expose youth to jobs available in the private sector through observation of such jobs, instruction, and, if appropriate, limited practical experience (sec. 432).

(i) A detailed curriculum shall be developed prior to enrollment in VEP.

(ii) Organizations which participate in VEP through an agreement with a recipient may be reimbursed for the costs incurred in the conduct of the program except that private-for-profit organizations may be reimbursed only for costs of training which is over and above that normally provided by the organization.

(iii) An individual may not be involved in any activity that contributes, or could be expected to contribute, to additional sales or profit, or results in the subsidization of wages, of a private-for-profit organization.

(iv) Where a vocational exploration program funded directly by DOL operates in a recipient's area, the recipient shall enter into an agreement with the local representative of the program which contains arrangements for recruitment, selection, referral and eligibility certification.

(c) *Supportive services.* Such services include but are not limited to:

(1) Health care and medical services;

(2) Child care. Child care programs shall comply with applicable State and local standards including State licensing requirements;

(3) Transportion;

(4) Temporary shelter;

(5) Assistance in securing bonds;

(6) Family planning services. These shall be made available to a participant only on a voluntary basis and shall not be a prerequisite for participation in, or receipt of, any services or benefits from the program;

(7) Legal services; and

(8) Financial counseling and assistance.

(d) *Post-termination services.* For 30 days following termination from the program employment and training services and supportive services, as described in §§ 676.25–5 (b) and (c) of this subsection, may be provided to participants who have obtained unsubsidized employment to enable them to retain employment.

§ 676.25–6 Other activities.

Recipients may conduct activities not described in §§ 676.25–1 through 676.25–5. The approved grant application shall describe the basic design of activities undertaken as "other activities" and their objectives. These activities may include but are not limited to:

(a) Removal of artificial barriers to employment;

(b) Job restructuring;

(c) Revision or establishment of merit systems; and

(d) Development and implementation of affirmative action plans.

§ 676.25–7 Combined activities.

(a) A participant may be simultaneously or sequentially enrolled in two or more activities.

(b) (1) Reimbursement may be up to 100 percent to employers, including private-for-profit employers, for expenditures for the costs of classroom training, employment and training services or supportive services for participants in combined activities including the costs of participant wages paid by the employer for time spent in these activities during working hours.

(2) Reimbursement may be made on a cost reimbursement or fixed cost basis and shall be supported by business receipts, payroll, or other records normally kept by the employer.

(3) Nothing in this paragraph shall allow reimbursement to private-for-profit employers for the costs of on-the-job training in excess of the amounts allowable in § 676.25–2.

§ 676.26 Payments to participants

§ 676.26–1 Payment of wages.

General. Except as authorized under S676.26–3, each participant in on-the-job training, work experience, and public service employment shall be paid wages.

(a) *Wages for on-the-job training.* Participants in OJT shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographic region, and the participant's skill. In no event shall the wage rate be less than the highest of the following (sec. 124(c)):

(1) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act;

(2) The minimum wage rate prescribed by applicable State or local law (sec. 124(c));

(3) The prevailing wage rate for persons similarly employed;

(4) The minimum entrance wage rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance wage rate for the occupation in other establishments in the area;

(5) The wage rate required by an applicable collective bargaining agreement; or

(6) The prevailing wage rate established by the Secretary in accordance with the Davis-Bacon Act, when required by paragraph 676.26–1(d) of this section.

(b) *Wages for work experience.* Participants in work experience shall be paid at a wage rate not less than the highest of (sec. 124(d)):

(1) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act;

(2) The minimum wage rate prescribed by applicable State or local law; or

(3) The prevailing wage rate established by the Secretary in accordance with the Davis-Bacon Act, when required by § 676.26–1(d); or

(4) The wage rate required by an applicable collective bargaining agreement.

(c) *Wages for Public Service Employment*—(1) *Minimum wage rates.* A participant in PSE shall be paid wages not less than the highest of the rates specified in (a)(1) through (6) (sec. 124(b)).

(2) *Maximum wage rates payable with CETA funds.* (i) The wages (including those received for overtime work and leave taken during the period of employment) paid to any PSE participant from funds under the Act shall be limited to a full-time rate of $10,000 per year (or the hourly, weekly, or monthly rate which, if full-time and annualized, would equal a rate of $10,000 per year), unless the Secretary adjusts this maximum upward by the area wage adjustment index. For school employees whose work is done only

during the school year, that school year shall be considered a full year for wage rate annualization purposes.

(ii) Fringe benefits payable from funds under the Act to any PSE participants may not exceed those regularly afforded to similarly employed non-CETA workers, and shall never exceed those afforded to non-CETA workers earning an amount equal to the maximum wage.

(3) *Average wage rates payable with CETA funds.* The average annual wage rate for PSE participants hired on or after April 1, 1979, shall not exceed $7,200, as adjusted upward or downward by the Secretary on an area basis by the area wage adjustment index. In no case shall this wage be adjusted downward to a level that is less than 10 percent above the annualized Federal minimum wage rate. The total average of federally supported payments per month, including such payment to those engaged full-time in a combination of PSE and training who spend at least 50% of their time in PSE and who are compensated for training at the minimum wage, shall not exceed the prorata monthly share of the annual average wage. Where PSE participants are in a part-time (less than a normal full time schedule for the occupation) PSE position, the average annual wage rate for these participants shall be computed by converting to full time rates and annualizing the PSE wages. For fiscal year 1980 and each subsequent fiscal year, the average annual wage rate shall be further adjusted by a percentage equal to the change in the average wage rate in employment not supported under the Act (sec. 122(i)).

(4) *Area wage adjustment index.* (i) The Secretary shall publish annually a wage adjustment index for each appropriate area. For each area, the index shall equal the ratio of the annual average wage rate in regular public and private employment in such area to the average wage rate for all such areas.

(ii) The area wage adjustment index shall be used as a basis for adjusting the average and maximum wage rates for areas. With respect to maximum wage rates, the $10,000 shall not be adjusted upward by more than 20 percent, except that this limitation shall not apply to Alaska.

(5) *Supplementation of wages from non-CETA funds.* (i) Except as provided for Title VI PSE participants in § 678.7 and in paragraphs (c)(5) (ii) and (iii) of this section, no PSE participant may be paid wages for any public service employment job from sources other than the Act. For participants hired after September 30, 1978 this applies even if a participant is entitled to a promotion, a general salary increase or overtime pay. Where the participant is eligible for such an increase which would mean a salary in excess of the area's maximum wage rate, the participant would be entitled to it if other employees similarly employed would receive such benefits. However, because public service employment wages may not be supplemented from sources other than the Act, in such cases participants must be transferred to other positions or be terminated (sec. 122(i)(4)(A)).

(ii) Any PSE participant on September 30, 1978, receiving wages from non-CETA sources may continue to receive such wages and may receive any subsequent increase which is either a bona fide cost of living increase or a scheduled raise, so long as the participant remains in the same position or a PSE position with the same or lower wage rate. However, the non-CETA portion shall not be reduced if the maximum wage rate has been adjusted upward above $10,000 after September 30, 1978, until the incumbent participant leaves this position, or until the next prime sponsor budgetary cycle whichever comes earlier (sec. 122(i)(4)(B)).

(iii) Any PSE participant who was receiving only CETA wages on September 30, 1978, at a wage rate less than $10,000 per year may have such wages supplemented above $10,000 from non-CETA sources after September 30, 1978, if such increase is a bona fide cost of living increase or a scheduled raise, and the person remains in the same position.

(d) *Davis-Bacon wages.* (1) Contractors with the Department shall insure that prevailing wages, as determined by the Secretary pursuant to the Davis-Bacon Act, are paid by themselves and their subcontractors to laborers and mechanics including participants employed in construction (including alteration, repair, painting, decorating, etc.) which is federally assisted under the Act.

(2) Recipients and subrecipients shall insure that prevailing wages, as determined by the Secretary pursuant to the Davis-Bacon Act, are paid:

(i) By their contractors and subcontractors to laborers and mechanics, including participants, employed in construction (including alteration, repair, painting, decorating, etc.) which is federally assisted under the Act and related to a facility or building which is used primarily for programs under the Act; and

(ii) To laborers and mechanics, including participants who are employed in construction (including alteration, repair, painting, decorating, etc.) or any project which is funded wholly or partially under a Federal statute, other than CETA, which requires the payment of prevailing wage rates determined in accordance with the Davis-Bacon Act.

§ 676.26-2 Payment of Allowances.

(a) *General.* (1) Except for persons receiving incentive allowances, a basic hourly allowance shall be paid to participants for time spent in classroom training. In addition, allowances may be paid to a participant enrolled in *Services* and *Other Activities* when such services or activities are combined with another activity or are provided on a regularly scheduled basis.

(2) No participant may receive allowances for classroom training for more than 104 weeks in a 5 year period (Sec. 121(c)(1)).

(b) *The allowance payment system.* A standard system for payment of allowances shall be maintained by every recipient to ensure prompt and efficient payment to all participants (sec. 124(a)). The standard payment system shall consist of a uniform set of procedures, but may be operated by one or more service deliverers. It shall include:

(1) Determination of entitlement and computation of amount to be paid;

(2) Maintenance of a system for requesting payment of training allowances, including the certification, issuance and distribution of payments;

(3) Maintenance of payment records and preparation of required reports;

(4) Maintenance of a system to detect and collect overpayment; and

(5) Arrangements with other agencies to obtain information to minimize unauthorized payments, including arrangements with:

(i) The State Employment Security Agency for verifying the receipt of unemployment compensation by participants (sec. 124(a));

(ii) Appropriate agencies for verification of public assistance payments (e.g., local welfare agencies); and

(iii) Training facilities for submittal of payment requests and certifications of attendance.

(c) *Selection of service deliverer.* The recipient shall provide a standard allowance payment system either directly or through an organization or organizations it considers appropriate for its particular circumstances. The recipient, in selecting the service deliverer for the payment of allowances, shall give first consideration to the use

of the unemployment insurance component in the SESA before using other agencies that may have experience in operating an allowance payment system (sec. 103(a)(7)).

(d) *Basic allowances.* (1) A basic hourly allowance shall, except as provided in paragraphs (h) and (j) of this section, equal the higher of:

(i) The minimum hourly wage prescribed by State or local law for most employment in the recipient's area, multiplied by the number of hours during which the participant attends or is absent for good cause; or

(ii) The minimum hourly wage specified in Section 6(a)(1) of the Fair Labor Standards Act, multiplied by the number of hours during which the participant attends or is absent for good cause.

(2) For participants who are prisoners, all or part of the allowances, as determined by the recipient and the head of the institution, may be held in reserve by the institution and delivered upon the participant's release from the institution. The institution shall not retain any portion of these funds, or interest earned on these funds, while held in reserve.

(e) *Dependent allowances.* (1) An additional $5 a week shall be provided for each dependent from two (2) up to a maximum of four (4) additional dependents for participants receiving basic allowances (sec. 124(a)).

(2) Dependent allowances shall be reduced prorata for absence without good cause. The methodology for making the reduction shall be described in the recipient's CETP (sec. 124(a)).

(f) *Incentive allowances for persons receiving public assistance.* (1) Except for youths receiving allowances under the youth programs described at Subparts A, B, and D of Part 680, participants receiving public assistance or whose needs or income are taken into account in determining such public assistance payments to others shall receive incentive allowances in the amount of $30 per week, in lieu of basic allowances (sec. 124(a)(3)).

(2) Incentive allowances shall be reduced prorata for absences without good cause. The methodology (e.g., daily or hourly proration) for making the reduction shall be described in the recipient's CETP.

(3) Incentive allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under Federal or federally assisted public assistance programs (sec. 124(a)(3)).

(g) *Additional allowances.* Additional reasonable allowances, such as allowances for transportation or subsistence, may be paid to participants to cover extraordinary costs associated with participation in an activity. The circumstances in which additional allowances will be paid shall be described in the recipient's CETP (sec. 124(a)).

(h) *Adjustments in allowance.* (1) The basic allowance shall be reduced on a weekly basis by the amount of any unemployment compensation received. Where eligible, participants should be encouraged to apply for and claim unemployment compensation if they are not already receiving such benefits. The basic allowance shall not be reduced because of any unemployment compensation received prior to enrollment. If unemployment compensation is paid on a biweekly basis, it shall be prorated over the two weeks before the allowance is reduced (sec. 124(a)).

(2) The basic allowance may be adjusted upward if conditions for such increases are described in the CETP.

(3) Periodic increases to the basic allowances may be provided as an incentive to participation when such increases are described in the CETP.

(4)(i) The basic hourly allowance for a participant may be reduced, at the option of the recipient, on a weekly basis, by the total amount of any Basic Education Opportunity Grant (BEOG) during the period in which the participant is enrolled in the classroom training; and

(ii) The recipient may, however, make arrangements with the training institution to apply BEOG payment to tuition, books and related training costs normally funded by the recipient. The recipient should then pay the training institution the difference, if any, between the actual training costs and the BEOG.

(5) The basic allowance may be reduced by the amount of wages received by classroom training participants who are also enrolled full-time during the same payment period in work experience, PSE or OJT. The determination of whether the activity is full-time shall be based on the number of hours that constitute full-time employment for employees similarly employed.

(i) *Rounding of amount of allowance payable.* Allowance payments made under this section shall be rounded to the next higher multiple of a dollar.

(j) *Waivers of allowances.* (1) The payment of all or part of the basic allowance may be waived only in accordance with paragraphs (j)(2) or (3) of this section under the conditions described in the CETP or grant. When all or part of the basic allowance is waived, the recipient shall maintain documentation that the waiver accomplishes the goals established by the the recipient when requesting the waiver (sec. 123(a)).

(2) Waivers of basic allowances shall be allowable only when the following conditions have been met and documented:

(i) That the waiver will be applied to the total enrollment in a course and will not be imposed on an individual basis, except as provided in paragraph (j)(3) of this section; and

(ii) That the waiver will not have the effect of denying participation to individuals who could not participate without receipt of allowances; and

(iii) That the waiver will increase the number of participants served or the level of services provided; and

(iv) That the waiver will otherwise promote the purposes of the Act; and

(v) That all participants for whom allowances are waived will be so notified in writing; and

(vi) That documentation of the participant's notification of the waiver will be made a part of the participant's record.

(3) In exceptional circumstances, individual waivers, when described in the CETP or grant may be granted under the following conditions:

(i) The waiver is at the written agreement of the participant; and

(ii) All of the funds allocated in the Budget Information Summary for allowances have been obligated and training opportunities are still unfilled and available.

(4) The dependent allowances may not be waived, except in cases where the entire basic allowance is waived.

(5) Allowance payments shall not be waived solely because a participant receives benefits through the Vietnam Era Veteran's Readjustment Assistance Act, as amended.

(6) Incentive allowances shall not be waived.

(k) *Repayments.* Recipients shall require participants to repay the amount of any overpayment of allowances under this Part, except if the overpayment was made in the absence of fault on the part of the participant. Where the recipient requires repayment, any overpayment not repaid may be set off against any future allowance or other payments under the Act to which the participant may become entitled, but in no case shall the wage be reduced below the applicable minimum wage.

§ 676.26–3 Combined activities.

(a) *Primary activity.* A primary activity is one in which a participant is enrolled for more than 50 percent of scheduled time. Participants enrolled in a primary activity for which wages are payable and simultaneously in an activity for which allowances are payable may, at the recipient's option, be paid wages for all hours of participation. A participant enrolled in a primary activity for which allowances are payable may, at the recipient's option, be paid allowances for all hours of participation, except when OJT is the non-primary component. However, in the latter case, before placing an individual in such an activity, the recipient shall request a determination from the Internal Revenue Service as to whether income from the non-primary component is taxable. Nothing in this subsection shall authorize compensation at rates less than those required by §§ 676.26–1 (a), (b) and (c).

(b) *Employed Participants.* Wages may be paid to a participant enrolled in OJT by the participant's employer for hours spent in classroom training, whether or not such hours constitute a primary component.

§ 676.27 Benefits and working conditions for participants.

(a) *General.* (1) Each participant in OJT, PSE, or work experience shall be assured of workers' compensation including medical, accident, and income maintenance insurance at the same level and to the same extent as others similarly employed who are covered by a workers' compensation statute or system. Where coverage of similarly employed, non-CETA employees is provided through a self-insurance system, coverage of any CETA participants shall also be provided through that system (sec. 121(d)(5)).

(2) Each participant who is employed or engaged in any CETA program activity where others similarly employed or engaged are not covered by an applicable workers' compensation statute shall be provided with medical and accident insurance coverage. Such coverage shall be adequate and comparable to the medical and accident insurance provided under the applicable State workers' compensation statute. Recipients are not required to provide these participants with income maintenance coverage (sec. 121(d)(5)).

(b)(1) Each participant in an on-the-job training or public service employment program shall also be provided health insurance, collective bargaining agreement coverage, and other benefits and working conditions at the same level and to the same extent as other employees similarly employed (sec. 122(k)).

(2) All classifications with respect to employment status (e.g., full time, permanent, or temporary) in which CETA participants are placed shall be reasonable and shall include non-federally financed employees (sec. 122 (k)). Where only federally subsidized employees work for an employer, classifications may be limited to them.

(3) Classifications shall not be established exclusively for CETA participants nor shall participants be placed in existing or new classifications in order to reduce or deny benefits to which they are entitled.

(4) CETA participants who prior to April 1, 1979, are in classifications which include only federally financed employees may remain in such classifications for the duration of their participation. After April 1, 1979, no CETA participant shall be so classified.

(5) Within a single classification, a distinction may be made between CETA participants and other employees with respect to retirement systems or plans which provide benefits based on age or service or both pursuant to § 676.28 (sec. 122(k)).

(c)(1) PSE and OJT participants who are paid wages and who perform services that are the same or similar to other employees of the employer who have unemployment compensation coverage shall be provided unemployment compensation coverage by election if such coverage is not otherwise required by the applicable State unemployment compensation law.

(2) Unemployment compensation coverage is not provided to work experience participants unless otherwise required under State unemployment compensation law. Most States do not provide unemployment compensation coverage for work experience participants.

(3) In order to ensure unemployment compensation coverage of appropriate CETA participants, prime sponsors must ensure that employers submit quarterly contribution and wage reports or their equivalent required by the SESAs for PSE and OJT participants, and for work experience participants where they are covered by State unemployment compensation provisions.

(d) Conditions of employment and training shall be appropriate and reasonable, in light of such factors as the type of work, geographical region, and proficiency of the participant, (sec. 121(d)(1)).

(e) Every participant, prior to entering upon employment or training, shall be informed of is or her rights and benefits in connection with such employment or training including the information that family planning services are voluntary. Participants shall be informed of the name of their employer and the complaint and hearing procedure applicable to them pursuant to Subpart F (sec. 121(a)(3)).

(f) No participant will be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participant's health or safety. Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (sec. 121(d)(2)).

§ 676.28 Retirement benefits for program participants.

§ 676.28–1 General Rules.

(a) *Exclusion.* CETA participants may be excluded from retirement systems or plans which provide benefits based on age or service or both which cover similarly employed, non-CETA employees (sec. 122(k)).

(b) *Use of CETA Funds—General.* Where, however, the CETA participants are included in a retirement system or plan, CETA funds may not, except as provided in paragraph (c), be used for a contribution to such system or plan on behalf of a participant unless such contribution bears a reasonable relationship to the cost of providing benefits to that participant (sec. 121(j)).

(c)(1) *Use of CETA Funds—Grandfather.* CETA funds may be used for contributions to retirement systems or plans on behalf of participants (for the duration of their participation):

(i) Who are enrolled in PSE or work experience on June 30, 1979; and

(ii) Who are enrolled in a retirement system or plan on June 30, 1979.

(2) For those recipients and subrecipients which are in compliance with the provisions of paragraph (b) of this section on the effective date of this regulation (April 1, 1979), and for those which come into compliance before July 1, 1979, the date of compliance shall be substituted for June 30, 1979 in paragraph (c)(1).

(d) *Description of Method Adopted.* When a recipient intends to use CETA funds for retirement contributions on behalf of participants, the method for doing so shall be described in the CETA or grant.

(e) *Extensions.* Extensions for compliance with the provisions of § 676.28 may not be granted, except that,

under very limited circumstances, the RA, with the approval of the Regional Solicitor, may allow an extension to recipients until the end of the State's 1979 legislative session under the following circumstances:

(1) The State has a law prohibiting the implementation of procedures required by this section; and

(2) The State legislature did not have a session in calendar year 1978, and the calendar 1979 session will not end prior to July 1, 1979; and

(3) The recipient has made efforts to have the State legislature change the law.

§ 676.28-2 Allowable cost.

(a) *Definitions.* For purposes of this section:

(1) *"Employer"* shall include any employer whose employees are covered by a retirement system or plan under which periods of CETA participation are creditable towards benefit entitlements.

(2) *"Unsubsidized Employment"* means employment for which wages are not paid from CETA funds.

(b) *Reasonable Relationship.* A contribution by an employer to a retirement system or plan shall be considered to bear a reasonable relationship to the cost of providing benefits to CETA participants if the requirements of one of the methods authorized in paragraphs (c), (d), (e), or (f), of this section are met. These methods are the following:

(1) Vesting Method;

(2) Actuarial Methods;

(3) Reserve Account/Buy-Back Method;

(4) Alternative Methods.

(c) *Vesting Methods.* This method is available only with respect to retirement systems or plans of other than the "defined benefit" type. An employer may use CETA funds to make a contribution to a retirement system or plan only to the extent that the contribution is allocated to the CETA participant and only to the extent that the contribution is vested at the time it is made. A contribution by an employer to a retirement system or plan shall be deemed to be "vested" to the extent that, at the time when the contribution is made, the portion of the participants account balance in the retirment system or plan derived from employer contributions is not subject to forfeiture.

(d) *Actuarial Method.* This method is available only with respect to retirement systems or plans of the "defined benefit" type (a system or plan under which a specified benefit is promised to employees at retirement). Under this method an employer may use CETA funds to make a contribution to a retirement system or plan only on the basis of a separate actuarial determination that there is a reasonable likelihood that CETA participants will actually receive benefits as a result of the contribution and then only in an amount sufficient to fund benefits for this group of participants. The amount of employer contributions shall be determined on the basis of reasonable actuarial assumptions which take into account the unique characteristics of CETA participants, including the short-term nature of CETA participation. The calculation shall be revised at least annually to reflect the actual experience of CETA participants. The basic rule under this method is that CETA funds expended for an employer contribution to a retirement system or plan may not exceed the present value, determined as of the date the contribution is made, of the benefits which CETA participants accrue in that year, reduced by any contributions made by CETA participants during that year.

(e) *Reserve Account/Buy Back Method.* (1) This method is available for both defined benefit and other types of retirement systems or plans. This method can only be used for CETA participants who were excluded from coverage in the retirement system or plan while they were CETA participants. Under this method, the employer may make a contribution for the previous service using funds from the then current CETA grant in an amount described in paragraph (3) if:

(i) A former CETA participant obtains unsubsidized employment with the employer (within a time specified in paragraph (e)(2) of this section), and

(ii) The former CETA participant is granted credit under the retirement system or plan for the period of CETA participation, and

(iii) Where employee contributions are required, the employee elects to participate in the retirement system or plan by making contributions under the reserve account or buy-back systems described in paragraph (2).

(2)(i) *Buy Back.* A former CETA participant who, within 90 days after termination of the period of CETA participation, obtains unsubsidized employment with the employer in a position which entitles the individual to earn credit for the period of CETA participation under the system or plan shall be given an opportunity to make a contribution or contributions to the retirement system or plan within 18 months after obtaining unsubsidized employment. The amount of the contribution shall be no greater than the sum of:

(A) The contributions which such individual would have been required to make during the individual's period of CETA participation, in order to obtain credits for that period under the plan or system, and

(B) Interest on the amounts described in paragraph (e)(2)(i)(A) equal to the return the system or plan would have earned on the contributions.

(ii) *Reserve Account.* Any individual who is a CETA participant, and who might be eligible to receive credit under the employer's retirement system or plan for CETA service in the event that such individual obtains unsubsidized employment with the employer upon leaving CETA shall be permitted to authorize deductions to be made from salary or wages during CETA participation in amounts equal to the contributions to the retirement system or plan which the individual would be required to make if the individual were not excluded from participation in the retirement system or plan during CETA participation. Any such deductions shall be credited to a reserve account and such account shall be credited with interest in amounts equal to the return the system or plan would have earned on the deductions. If the individual obtains unsubsidized employment with the employer in a position which entitles the individual to earn credit under the retirement system or plan immediately after termination of the period of CETA participation, and so elects, the balance in the reserve account shall be transferred to the retirement system or plan; otherwise the balance shall be distributed in full to the individual.

(3) CETA funds may be expanded for an employer contribution to the retirement system or plan under this method only to the following extent: (i) In the case of a plan other than one of the "defined benefit" type, the amount of the contribution may be no greater than the amount by which the former CETA participant's account balance in the retirement system or plan would have increased during CETA participation as a result of employer contributions if they had been made during that period.

(ii) In the case of a plan of the "defined benefit" type, the amount of the contribution can be no greater than the present value of the additional accrued benefits which the former CETA participant accrues as a result of the credit granted for CETA participation. Present value shall be determined on the basis of reasonable actuarial assumptions, but such

assumptions need not take into account the unique characteristics of former CETA participants.

(f) *Alternative Methods.* Upon the written approval of the Assistant Secretary, CETA funds may be used in accordance with methods which are combinations of the methods described in paragraphs (c), (d), and (e) of this section, or in accordance with any alternative method which assures that the employer's contribution to a retirement system or plan bears a reasonable relationship to the cost of providing benefits to the CETA participants.

§ 676–28–3 Packages of benefits.

(a) Where non-CETA, similarly employed employees are covered under a benefits package which includes retirement, CETA participants shall receive the non-retirement benefits (e.g., health, death, and disability benefit coverage), at the same level and to the same extent as other employees. CETA funds may be used to pay for those benefits in accordance with § 676.27(b) (sec. 122(k)).

(b) CETA funds may be used to purchase a package of benefits including retirement, provided the retirement portion of the package can be factored out of the package and adjusted according to the methods described in § 676.28.

§ 676.28–4 FICA.

(a) Expenditures may be made from CETA funds for taxes under the Federal Insurance Contribution Act (FICA), 16 USC 3101, *et. seq.*

(b) In States and units of general local government where exclusion of CETA participants from retirement systems or plans would automatically result in exclusion of such participants from coverage under FICA, pursuant to requirements of the Social Security Administration (SSA), FICA coverage is not mandated for such participants. This does not apply to jurisdictions in which CETA participants remain covered by FICA, notwithstanding exclusion from a retirement system or plan. Recipients are encouraged to work out appropriate arrangements with the SSA for FICA coverage on behalf of CETA participants who have been automatically excluded from FICA due to exclusion from a retirement system or plan.

§ 676.29 Non-Federal status of participants.

Except where specifically provided to the contrary, participants in a program under the Act shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those related to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

§ 676.30 Termination conditions; participant limitations.

(a) When a job offer or offer of referral to a suitable job is made to and rejected by a participant, the recipient may terminate the participant regardless of how long the individual has been in the program. Suitable job shall mean a job which: (1) Is comparable to the participant's CETA job in terms of working conditions and benefits; and (2) is commensurate with the participant's skill level; and (3) is located within a commuting distance of the participant's home comparable to the distance normally travelled by others in the area; and (4) is not vacant due to a strike or lockout, and (5) does not require that an employee resign from a union.

(b) A recipient or subrecipient which has not successfully placed a participant in unsubsidized employment or training within the established time limits for participation set forth in paragraphs (c) through (f) of this section shall provide the participant with written notice of the impending termination from their particular program activities or from the total CETA program and a contact person for questions and further information at least two (2) weeks prior to the effective date. A dated copy of the notice shall be maintained in the participant's file.

(c) Except as provided under paragraph (g) of this section and for participants in programs that have other statutory limits, e.g., YCCIP and Job Corps, participation in work experience shall be limited to a maximum of: 1000 hours during any one year period; and, 2000 hours during the five year period beginning October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA.

(d) Except as provided in paragraph (h) of this section no participant may receive wages for public service employment for more than 78 weeks during a five year period beginning October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA. In computing this 78 weeks, recipients shall include any PSE participation from April 1, 1978, to October 1, 1978 (sec. 122(h)(2)).

(e) No participant may receive allowances for classroom training for more than 104 weeks in a 5-year period beginning on the date of the participant's initial enrollment in CETA (sec. 121(c)(1)).

(f) Except as otherwise provided in paragraphs (g) and (h) of this section, recipients shall limit participation in CETA by any person to a maximum of 30 months during a 5-year period beginning October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA.

(g) The limitation on work experience participation in CETA set forth in paragraph (c) of this section:

(1) Shall not apply to time spent by in-school youth enrolled in a work experience program under the Act, nor shall such time be included when determining if an individual has reached such limitation or the limitation on total participation in CETA specified in paragraph (f) of this section. (secs. 121(c)(2), 121(i) and 212(b)); and

(2) May be waived by the RA with respect to other persons enrolled in a work experience program under the Act based on the inclusion in the Annual Plan or grant application, or subsequent modification to that document, of satisfactory evidence that, due to the lack of alternative job opportunities in the area, this limitation is impractical. Depending on the circumstances in the recipient's area the waiver may be granted for all work experience participants or for one or more subgroups, such as older workers. Waivers shall not be granted for individual participants. Those individuals granted such waivers may continue to participate beyond the 30-month limitation as specified in paragraph (f) of this section if they continue in a work experience activity (secs. 121(c)(2) and 212(b)).

(h)(1) A temporary waiver of the 78 week limitation for PSE participants, of not more than 12 months, may be granted by the RA for a limited number of PSE participants hired prior to October 1, 1978, for a prime sponsor that has faced unusually severe hardships in its efforts to transition PSE participants to regular public or private employment not supported under the Act (sec. 122(h)(4)(A)).

(2) The 30 month limitation for total CETA participation may be waived when the RA grants a waiver of the 78 week limitation pursuant to paragraph (h)(1) of this section which would mean that a participant would remain in CETA in excess of 30 months in a 5-year period. This waiver of paragraph (f) shall expire at the same time as the waiver granted pursuant to paragraph (h)(1).

(i) A temporary waiver of the 78 week limitation for PSE participation of not

more than 12 months may be granted by the RA for PSE participants hired on or after October 1, 1978 in the case of a prime sponsor, or a unit of general local government, which has at the time of request for extension:

(1) An unemployment rate of at least 7 percent; and

(2) Has faced unusually severe hardship in its efforts to transition PSE participants into regular public or private employment not supported under the Act (sec. 122(h)(4)(B)).

(j) A prime sponsor desiring an extension of the 78 week limitation specified in paragraph (d) of this section for itself or for any unit of general local government within its jurisdiction believed to qualify for such an extension shall make a written request to the RA. This request shall be submitted not more than 90 days and not less than 60 days prior to the scheduled termination date of any participant for whom the extension is being requested. Prior to the submittal of this request, however, prime sponsors are encouraged to consult with the appropriate Regional Office to assure its understanding of the area's difficulties with transition efforts and the sponsor's understanding of the conditions necessary for waivers. While the prime sponsor is not required to submit a separate waiver request for each individual participant, a group request must include all the information specified. This request shall include:

(1) The name of each participant for whom the extension is being requested;

(2) The date each individual was hired;

(3) The currently required termination date for each participant;

(4) The length of the extension requested and the proposed new date by which the participant will be terminated from public service employment;

(5) The reason the extension is necessary;

(6) The unemployment rate in the prime sponsor area or unit of general local government area, as appropriate;

(7) A description of the efforts which have been made to place the individuals in unsubsidized employment; and

(8) A description of the efforts to be undertaken to transition these individuals prior to the scheduled termination date and of the additional efforts that will be undertaken after the scheduled termination date if the extension is granted.

(k) The RA, within 30 days of receipt of the waiver request under this section, shall notify the prime sponsor in writing of the Department's approval or disapproval and specific reasons for any disapproval.

§ 676.30a Procedures for serving specific target groups.

(a) *General.* Recipients shall take appropriate steps to provide for the increased participation of qualified special disabled and Vietnam-era veterans with special emphasis on qualified veterans who served in the Indo-China theater on or after August 5, 1964, and on or before May 7, 1975, assuring through adequate training and employment opportunities for such veterans in their programs. Such steps shall include:

(1) Cooperative arrangements and programs with other agencies or programs (such as veterans service organizations; veterans' cost of instruction programs; national and local organizations of business and labor; community and mental health centers; the Veterans Administration and community-based veterans organizations) to provide comprehensive education, employment, training, outreach, job development, veterans' benefits counseling, and personal adjustment counseling.

(2) Creation, maintenance, or expansion of private sector veterans employment and training programs, such as special OJT efforts for veterans, and cooperative programs using supplemental funding for eligible persons pursuing on-the-job training under Chapters 31 and 34, of Title 38, United States Code.

(3) Programs to facilitate effective placement of, and entry by, veterans into readjustment or employment programs.

(4) Other programs or initiatives, such as split-work experience programs, necessary to serve the unique readjustment, rehabilitation and employment needs of veterans (sec. 121(b)(2)).

(5) Providing information on job and training opportunities to veterans organizations (sec. 121(b)(2)).

(b) *Public service employment programs.* (1) Within a PSE program, preference in enrollment shall be given to those who are the most severely disadvantaged in terms of length of unemployment and their prospects for finding unsubsidized employment (sec. 122(b)(1)).

(2)(i) Recipients shall give special consideration in filling public service jobs to qualified public assistance recipients (or persons who would be eligible to receive public assistance according to established criteria if they would apply for such assistance), and special disabled and Vietnam-era veterans with special emphasis on those who served in the Indo-China theater on or after August 5, 1964 and on or before May 7, 1975 (sec. 122(b)).

(ii) Special consideration shall at a minimum consist of the following:

(A) Outreach mechanisms;

(B) Special referral and selection mechanisms, which may include point systems for weighing applications; and

(C) Specific local goals for participation of target groups.

(iii) In providing special consideration, the prime sponsor shall take advantage of community resources to identify and reach specific target groups. The Master Plan shall specify the mechanism for providing special consideration and shall specify the involvement of SESA's and organizations representing the target groups in the design and implementation of these procedures.

(3)(i) Recipients shall provide special emphasis to eligible persons who are offenders, persons of limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older workers, and individuals who lack educational credentials (sec. 122(b)).

(ii) Such special emphasis shall include, but not be limited to, taking into consideration the needs of these groups when developing program services and activities, establishing outreach procedures to facilitate the participation of such groups and other steps as the recipient determines to be appropriate.

(iii) Special efforts (e.g., newspaper notices) shall be made to acquaint these groups with the services and activities available under the Act and to coordinate those efforts with other programs serving such persons (sec. 122(b)(3)(B)).

Subpart C—Administrative Standards and Procedures

§ 676.31 General.

(a) This section describes Federal requirements relating to the administration of grants by recipients under CETA. Administrative requirements found in this subpart apply to all programs under the Act unless stated to the contrary for any specific program.

(b) As referenced in this subpart, the requirements set forth in 41 CFR 29–70, "Administrative Requirements Governing All Grants and Agreements by which Department of Labor Agencies award funds to State and local governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and other Quasi-Public and Private Nonprofit Organizations," shall apply to grants under CETA.

(1) The requirements in 41 CFR 29–70.1 set forth the policies which apply to all basic grants and agreements.

(2) The requirements in 41 CFR 29–70.2 implement OMB Circular Nos. A–102 and A–110, and apply to all CETA grants and agreements.

§ 676.32 Methods of payment to recipients of CETA funds.

Payments will be made to all recipients according to provisions in 41 CFR 29–70.210, "Grant or Agreement Payment Requirements."

§ 676.33 Depositories for CETA funds.

The standards covering the use of banks and other institutions as depositories for CETA funds are found at 41 CFR 29–70.201, "Cash Depositories."

§ 676.34 Management information systems.

(a) All recipients shall establish and maintain a financial management system which meets the standards set forth in 41 CFR 29–70.207, "Standards for Grantee Financial Management Systems." These systems will include audit procedures in conformance with the "Audit Requirements and Responsibilities" in 41 CFR 29–70.207.4 (sec. 103(a)(11), (sec. 133)).

(b)(1) *Audit Provisions.* The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of recipients, subrecipients and contractors which are pertinent to a specific grant program under the Act for the purpose of making surveys, audits, examinations, excerpts, and transcripts (sec. 133).

(2) *Unified Audit.* Recipients may be required to participate in a unified audit. When the Secretary arranges for a unified audit to provide for the audit of both recipients and their respective subrecipients and contractors the following conditions will apply (sec. 106(j)):

(i) DOL staff or one audit agency, organization, or public accounting firm will be responsible for the audit of each recipient, its subrecipients and contractors.

(ii) A common audit cutoff date through the end of a Federal fiscal year will be used for the recipient and all subrecipients and contractors of that recipient.

(iii) Sufficient audits will be made of the subrecipients and contractors as well as the recipient to allow the audit entity to render an opinion on the CETA financial reports of the recipient and on its compliance with regulations. Audits of subrecipients and contractors shall be conducted on a sample basis.

(iv) If the DOL has notified the recipient that it has arranged for a unified audit three months before the end of the earliest fiscal year to be audited, the recipient shall pay out of CETA administrative funds for that portion of the audit costs allocable to its subrecipients and contractors. The method of allocation used will be decided on an individual basis by mutual agreement between the Office of the Inspector General (OIG) and the recipient.

(c) All recipients shall establish and maintain a client tracking system consisting of records on applicants, participants and terminees which will allow for the audit and monitoring of the recipient's programs, particularly with respect to the eligibility of participants and the propriety of participant selection procedures and practices (sec. 103(a)(11)).

(d) Procedures for establishing additional management controls are specified in § 676.22 (Program Management Systems) and § 676.75 (Fraud and Program Abuse).

§ 676.35 Retention of records.

(a) All records, reports, documents and files required under these regulations shall be the responsibility of the recipient. Retention of and access to those records, reports, documents and files shall be as provided for at 41 CFR 29–70.203, "Retention of and Custodial Requirements for Records." (sec. 133(a)(1)).

(b) Notwithstanding paragraph (a), the recipient shall maintain a record of each participant's participation in a CETA program, including dates of entry and termination in each activity; and shall retain such records for each participant for a period of five years from the date of enrollment into the program.

(c) Financial records relating to public service employment programs and records of the names, addresses, positions and salaries of all persons employed in public service jobs shall be maintained and made available to the public (sec. 122(g)).

§ 676.36 Program income.

(a) Except as provided in paragraph (b) of this section, all income realized in CETA activities shall be subject to 41 CFR 29–70.205, "Program Income and Interest Earned."

(b) A recipient or subrecipient, during the grant or agreement period and for 2 years thereafter, shall apply any income generated under a Youth Community Conservation and Improvement Project (YCCIP) to costs of the project except that, if, at the end of the grant or agreement period the project is not continued, the recipient or subrecipient shall observe the requirements of paragraph (c) of this section.

(c) The recipient or subrecipient may use program income generated in approved activity under CETA grants or agreements other than YCCIP during the grant or agreement period and for 2 years thereafter to carry out any CETA activity authorized under the former grant or agreement. The grant officer may require the recipient to account for the expenditure of such income for a period not to exceed 2 years from the expiration date of the Annual Plan (or grant, agreement, subgrant, or subagreement, as appropriate). Recipients shall require subrecipients to report the expenditure of such income. Any income still unexpended by any subrecipient one year from the expiration of financial assistance to the subrecipient shall be returned to the recipient to continue any CETA activity. After the 2-year period, the recipient shall return the balance of any unexpended program income to DOL (sec. 123(h)).

§ 676.37 Recipient contracts and subgrants.

(a) *Recipient responsibility.* (1) The recipient is responsible for development, approval and operation of all contracts and subgrants and shall require that its contractors and subrecipients adhere to the requirements of the Act, regulations promulgated under the Act, and other applicable laws.

(2) The recipient shall require contractors and subrecipients to maintain effective control and accountability over all funds, property and other assets covered by the contract or subgrant.

(3) The recipient shall ensure that contractors and subrecipients maintain and make available for review by the recipient and the Department of Labor all records pertaining to the operations of programs under such contracts and subgrants, consistent with the maintenance and retention of record requirements.

(4) Subrecipients are entitled to funding for administrative costs. The amount of such funding will be determined during the development of subgrants.

(5) Recipients shall comply with the procurement systems and procedures found in 41 CFR 29–70.216, "Procurement Standards."

(b) In the event an agreement or subgrant is cancelled, in whole or in part, the recipient shall develop procedures for ensuring continuity of service to participants.

(c) Recipients are authorized to enter into contracts or subgrants which extend past the expiration date of the Annual Plan, but such extension shall not exceed 1 year. In such cases, the recipient shall continue to be responsible for the administration of such contracts and subgrants.

(d) Small and minority-owned businesses, including small businesses owned by women, within the jurisdiction of the prime sponsor and to the extent necessary to those in other parts of the labor market area, shall be provided maximum reasonable opportunity to compete for contracts for supplies and services. One means to provide for this is the use of set-asides (sec. 121(k)).

(e) Prime sponsors shall maintain an inventory of potentially available deliverers of services, including their names, addresses and types of services offered, which have expressed an interest in writing, and use this inventory to select such deliverers of services. This inventory shall be available for public review (sec. 103(a)(3)(B)).

(f) Selection of deliverers shall be in accordance with § 676.23.

§ 676.38 Requirements for contracts with nongovernmental organizations.

(a) No funds will be paid to any nongovernmental organization for the conduct of programs (other than under Title VII or on-the-job training) under the Act unless:

(1) It has submitted an acceptable proposal;

(2) Selection is performed on a merit basis after thorough review by the prime sponsor, or Secretary as appropriate;

(3) It has not been seriously deficient in its conduct of, or participation in, any Department of Labor program in the past, or is not a successor organization to one that was seriously deficient in the past, unless the Secretary certifies after a clear, convincing and detailed showing that the deficiencies will be eliminated and performance substantially improved;

(4) A comprehensive monitoring system operated in accordance with § 676.75–2 is in effect;

(5) It has the administrative capability to perform effectively (sec. 121(o)).

(b) No funds will be paid to any nongovernmental organization for the conduct of on-the-job training and Title VII programs under the Act unless:

(1) Payment is supported by a written agreement which has been evaluated and found acceptable against standards established by the recipient;

(2) It has not been seriously deficient in its conduct of, or participation in, any Department of Labor program in the past, or is not a successor organization to one that was seriously deficient in the past, unless the Secretary certifies after a clear, convincing and detailed showing that the deficiencies will be eliminated and performance substantially improved.

§ 676.39 Property management standards.

Recipients shall comply with the property management standards set forth in 41 CFR 29–70.215.

§ 676.40 Allowable costs.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as specifically provided herein, not be an expense normally incurred to carry out the responsibilities of State or local government in the absence of funds under the Act.

(b) *Direct costs.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

(c) *Indirect costs.* (1) Indirect costs are those:

(i) Incurred for a common or joint purpose benefitting more than one cost objective; and

(ii) Not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the recipient entity, as well as those incurred by other entities in supplying goods, services, and facilities, to the recipient.

(2) Only the indirect cost rate approved by the cognizant Federal agency may be used by the recipient in determining indirect costs properly chargeable to CETA. The cognizant Federal agency is the Federal agency designated to determine the indirect cost rate or rates on behalf of all Federal agencies which award financial assistance to the recipient.

(d) *Restrictions on use of funds.* (1) The amount of funds available for any specific cost category or activity shall be limited as specified in the regulations for the specific programs.

(2) Funds made available through one grant or Annual Plan subpart may not be used to support costs properly chargeable to another grant or Annual Plan subpart with the exception that funds available for administration shall be pooled under a separate subpart and used to cover all allowable administrative costs incurred under the Annual Plan (sec. 123(f)).

§ 676.40–1 Allowable CETA costs.

(a) Except as modified by these regulations, the cost principles to be used in determining allowable CETA costs are referenced in 41 CFR 29–70.103 "Cost Principles."

(b) CETA funds may be used to satisfy cost sharing or matching requirements where authorized by Federal law, other than CETA, when seeking other Federal funds and shall be subject to the provisions of 41 CFR 29–70.206, "Matching Share."

(c) Funds may be used for construction activities only to:

(1) Pay wages and fringe benefits for participants employed by public or private non-profit agencies;

(2) Purchase equipment, materials, and supplies for use by participants while on the job and for use in the training of such participants;

(3) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and allowances and wages (sec. 123(c));

(4) Cover costs of material and supplies, in Titles II D and VI projects, weatherization activities and Youth Community Conservation and Improvement Projects, which become part of the construction.

(d) Costs associated with building repairs, maintenance, and capital improvements of existing facilities used primarily for programs under the Act are allowable.

(e) The costs of home repair, weatherization and rehabilitation are allowable when:

(1)(i) The work is performed on dwellings of individuals whose family income is at or below 125 percent of the poverty level and which are privately owned and owner occupied, privately owned by a nonprofit organization or are units of public housing; or

(ii) The work is performed in weatherization projects funded by the Community Services Administration pursuant to section 222(a)(5) of the Economic Opportunity Act of 1964, 42 U.S.C. section 2809, or the Department of

Energy pursuant to Title IV of the Energy Conservation and Production Act of 1976, 42 U.S.C. section 6850; or

(iii) The work is performed in rehabilitation projects of housing for lower income families as defined in section 8(f)(1) of the United States Housing Act of 1937 as part of community revitalization or stabilization projects (sec. 123(c)(4)); and

(2) Such activities are supervised by an adequate number of supervisory personnel who are adequately trained in the skills needed to carry out such activities and to instruct participants in the skills needed to perform in the work involved (sec. 123(c)).

(f) Recipients shall not use funds under the Act to assist an establishment in relocating from one area to another, or locating new branches, subsidiaries, or affiliates, including participants in such establishment, nor shall they use funds under the Act in training programs in an establishment which has relocated within the past one year, when such relocation or location has resulted in an increase in unemployment in the area of original location or any other area (sec. 121(e)(4)).

(g) Unemployment compensation costs are allowable for administrative staff hired in accordance with the administrative provisions of the regulations, and for participants required by § 676.27(c)(1) to be covered for unemployment compensation purposes; except that such costs shall not be allowable for PSE participants to the extent that unemployment compensation paid to them is reimbursable under Part B of Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567, as amended by sec. 6 of Pub. L. 94–444, 26 U.S.C. section 3304 note).

(h) CETA funds may be used to pay the cost of incorporating a private-nonprofit PIC or consortium administrative unit for the purpose of carrying out programs under the Act. These costs shall be charged to administration.

§ 676.40–2 Administration and travel costs.

(a) The administrative cost contribution shall not exceed 20 percent of the total allocation for each Annual Plan Subpart other than Title II D, Title VI, the Youth Community Conservation and Improvement Projects and the Special Governor's Grant unless the Program Narrative Description set forth an explanation of how all administrative costs have been determined and a detailed documentation to support that amount. The restriction on the contribution of funds to the Administrative Annual Plan Subpart for Title II D and Title VI programs is set forth in § 677.58(a) and § 678.8(b)(1)(iii). The restriction on the contribution of administrative funds in the Youth Community Conservation and Improvement Projects is set forth in Part 680. Administrative cost contribution limitations for Title VII programs are found in Part 679 and for Special Governor's Grant programs in Part 677 Subpart D.

(b) No funds made available for administrative costs under any Title of the Act may be used by a prime sponsor for legal or other associated services from contractors unless the prime sponsor certifies in writing that:

(1) The payments are not unreasonable in relation to the fees charged by other contractors providing similar services; and

(2) The services could not be competently provided through employees of the prime sponsor or other available State or local governmental employees (sec. 123(f)(2)).

(c) The cost of participant travel and staff travel necessary for the operation or administration of programs under the Act is allowed as provided herein:

(1) Travel costs of governmental officials not part of the Office of the Governor of a State or the Chief executive of a political subdivision are allowable if costs specifically relate to programs under the Act. These costs shall be charged to administration.

(2) Travel costs for CETA administrative staff including participants in administrative positions, are allowable when the travel is specifically related to the operation of programs under the Act.

(3) Travel costs for participants using their personal automobiles in the performance of their jobs are allowable if the employing agency normally reimbursed its other employees in this manner. Such costs shall be charged to fringe benefits.

(4) Travel costs to enable participants to participate in programs under the Act are allowable. Such travel shall be restricted to the recipient's jurisdiction or within daily communting distance, excpet:

(i) To pay for transportation costs at the beginning and end of a training course which is more than daily commuting distance but within the State in which the recipient is located;

(ii) As permitted for good cause by the RA, on a case-by-case basis, within the U.S.

676.41 CETA cost allocation.

Allowable costs shall be charged against the following cost categories: administration; wages; training; fringe benefits; allowances; and services.

(a) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(b) All recipients are required to plan, control, and report expenditures against the aforementioned cost categories.

(c) All recipients are responsible for ensuring that subrecipients and contractors plan, control, and report expenditures against the aforementioned cost categories.

§ 676.41–1 Classification of costs by category.

(a) Participants' wages shall be charged to wages. All wages paid to participants in public service employment, work experience, classroom training, employment and training services, or supportive services shall be reported as wages. Cost-of-living increases are considered wages.

(b) Participants' fringe benefits shall be charged to fringe benefits. Fringe benefits costs for participants include, but are not limited to, the following: provisions for annual, sick, court and military leave pursuant to an approved leave system; employees' life and health insurance plans, unemployment insurance, workers' compensation insurance and retirement benefits; and, under public service employment programs, uniforms, tools, or other equipment ordinarily provided by the employer to its regular employees, provided these are for the benefit and ownership of the participants.

(c) Allowances shall be charge to allowances.

(d) Traing costs consisting of goods and services which directly and immediately affect program participants in either a work environment or classroom setting including classroom training in conjunction with a Vocational Exploration Program shall be charged to training. Training costs include, but are not limited to, the following: salaries; fringe benefits; equipment and supplies of personnel engaged in providing training; books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utility costs; and that part of tuition and entrance fees which represent instructional costs having a direct and immediate impact on participants. The compensation of individuals who both instruct and supervise other instructors must be prorated among the training and administration cost categories on the

basis of time records or other equitable means. Similarly, tuition fees, and the costs of supplies used in the course of both participant instruction and other activities should be prorated among the benefiting uses.

(e) Supportive, and employment and training service costs, which consist of goods and services which affect program participants, shall be charged to services.

Services costs include, but are not limited to, salaries and fringe benefits; space, utility, equipment and travel costs, when an integral part of the job personnel engaged in providing services to participants; and that part of single unit charges for child care, health care and other services which represent only the costs of services directly beneficial to participants. Transportation of participants, as provided in § 676.40–2(c)(4), is properly chargeable to services.

(f) Administrative costs shall consist of all direct and indirect costs associated with the management of the program. These costs shall include the administrative costs, both direct and indirect, of subrecipients and contractors. Administrative costs shall be limited to those necessary to effectively operate the program:

(1) Indirect administrative costs represent the general management and support functions of an organization as well as secondary management and support functions at the bureau or division level. Included are salaries and fringe benefits of personnel engaged in executive, fiscal, personnel, legal, audit, procurement, data processing, communications, maintenance, and similar functions, related materials, supplies, equipment, office space costs, and staff training.

(2) Direct administrative costs are comprised of goods and services which neither contribute to the general management and support functions of an organization, nor directly and immediately affect participants (e.g. training costs). Included are salaries and fringe benefits of direct program administrative positions such as supervisors, program analysts, labor market analysts, and project directors. Additionally, all cost of clerical personnel, materials, supplies, equipment, space, utilities, and travel which are identifiable with these program administration positions shall be charged to administration. Some examples of administrative costs are: The salary of a clerical assistant to a supervisor; that part of an instructor's salary representing time spent supervising other instructors; desk top supplies used by supervisors; and, in general, office administration, rent, depreciation or maintenance of nonclassroom space; staff training; consultant services under contract not involving direct training or services to participants; costs incurred in the establishment and maintenance of a planning or advisory council under CETA, or in publishing a grant application; and costs of monitoring and providing technical assistance to contractors and subrecipients.

(3) Services normally chargeable to administration shall be charged to wages or fringe benefits, as appropriate, when performed by program participants.

§ 676.41–2 Allocation of fixed unit charge.

(a) When contractors or subrecipients bill the recipient with a single unit charge containing costs which are chargeable to more than one cost category, the recipient will charge these costs to the cost categories in § 676.41 (CETA Cost Allocation). For unit charges such as tutition fees for which the necessary detail cannot be provided, a reasonable estimate of the breakdown of the single unit charge among cost categories in § 676.41 will be sufficient, including for audit purposes. When such unit charges are normally billed as a single charge and the cumulative amount of such charges does not exceed $25,000 within the Annual Plan year, proration will not be required. These costs may be charged to the category receiving the most benefit.

(b) Costs which are bill as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training when the agreement:

(1) Is for classroom training;

(2) Is fixed unit price; and

(3) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement.

(c) The provisions of this section shall not apply to vendors selling or leasing equipment and attendant services at a commercially established rate to recipients or subrecipients.

(d) In the case of multiuse equipment there must be a proration of costs or, if there is a predominant usage relating to one cost category, a charge shall be made to that category.

(e) Any single cost, such as staff salaries or fringe benefits, which is properly chargeable to more than one cost category shall be prorated among the affected categories.

(f) Any profit or loss may be prorated among all affected cost categories.

§ 676.41–3 Cost categories assignable to program activities.

(a) Classroom training. Cost categories are: training; allowances; services; wages when paid to participants during classroom training; and fringe benefits (medical and accident insurance for participants only).

(b) On-the-job training. Cost categories are: training and services.

(c) Public service employment. Cost categories are: wages; fringe benefits; services; and training.

(d) Work experience. Cost categories are: training; services; wages; and fringe benefits.

(e) Services to participants (not part of another program activity). Cost categories are: allowances; fringe benefits (medical and accident insurance for participants only); and services.

(f) Other activities. Cost categories are: training; allowances; and services.

§ 676.42 Administrative annual plan subpart.

(a) All administrative funds from all Annual Plan subparts shall be contained in a separate Administrative Annual Plan Subpart unless specifically exempted by regulations or grant agreement. The amount each subpart contributes to the Administrative Subpart shall not exceed the limits set in §§ 676.40–2(a), 677.58 (a) and (b), 678.8(b)(1)(iii), and 680 (sec. 123(f)(1)).

(b) The Administrative Annual Plan Subpart shall consist of the following:

(1) Budget Information Summary (BIS). Provide on the BIS the proposed administrative costs for the program year. This shall include the sum of the contributions from all subparts under the Annual Plan.

(2) Budget Information Summary Backup. List separately on this attachment to the BIS each Annual Plan Subpart and the amount it contributed to the administration pool.

(c) When the Administrative Annual Plan Subpart is approved, the funds may be expended for all allowable administrative costs. There is no requirement that administrative costs be allocated back to title or program activity.

(d) The Administrative Annual Plan Subpart may be modified during the program year. The amount of funds in the subpart may be decreased with the funds going back to the program

subparts provided that no program subpart receives back more than it contributed to the Administrative Subpart. The Administrative Subpart may also be increased up to the percent allowed by the regulations for each program. All modifications to the Administrative Subpart must be submitted to the RA for prior approval.

(e) At the end of a program year unexpended administrative funds may be carried over into the subpart for the subsequent program year or they may be returned to the program subparts. In the new program year the amount of new funds which will go into the Administrative Annual Plan Subpart will be determined by using only the new allocation.

§ 676.43 Administrative staff and personnel standards.

(a) *Basic Personnel Standards.* (1) Methods of personnel administration will be established and maintained in public agencies administering a program under the Act in conformity with the Standards for a Merit System of Personnel Administration, which incorporate the Intergovermental Personnel Act Merit Principles prescribed by the Office of Personnel Management in 5 CFR, Part 900, Subpart F.

(2)(i) Except as provided in paragraph (3) of this section, any prime sponsor whose administrative staff is not covered under a personnel system that meets 5 CFR, Part 900, Subpart F shall develop a plan outlining corrective actions to be taken and reasonable dates for implementing those steps within the grant year. The Office of Personnel Management will advise the RA as to the acceptability of the plan.

(ii) Recipients whose personnel systems have been accepted by the U.S. Civil Service Commission of the U.S. Office of Personnel Management as being in conformity with the Standards for a Merit System of Personnel Administration, 5 CFR Part 900, Subpart F, shall be deemed to be in compliance with this section.

(3) The following are not subject to the requirements of paragraphs (1) and (2) above:

(i) Any subrecipient or nongovernmental recipient;

(ii) A consortium administrative unit which is not a unit of government;

(iii) Employees of the recipient not engaged in the administration or operation of programs under the Act.

(4) Units whose staff are exempt under paragraph (3) shall ensure equal employment opportunity based on objective personnel policies and practices for recruitment, selection, promotion, classification, compensation, performance evaluation, and employee-management relations. Such units may be asked to demonstrate adherence to the objectives of this paragraph by submittal of a personnel action plan similar to that outlined in paragraph 2(ii) of this section, and these plans may be requested at the discretion of the RA.

(b) *Bonding.* Every officer, director, agent or employee of a recipient or subrecipient of funds who is authorized to act on behalf of a recipient or subrecipient for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks or other instruments of payment for program costs, shall be bonded to provide protection against loss. The provisions of the bonding arrangements shall be included in the description of the administrative systems in the Master Plan or grant application. The amount of coverage shall be the lower of the following:

(1) $100,000; or

(2) The highest advance received through check or drawdown during the preceding grant year, or for new recipients, the highest advance through check or drawdown planned for the present grant year (sec. 134).

§ 676.44 Reporting requirements for prime sponsors.

(a) Each prime sponsor shall submit five periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. Reports 1, 2 and 3 of this section shall be prepared to coincide with the ending dates of Federal fiscal year quarters. These five reports are:

(1) The Program Status Summary (sec. 127(d)(1));

(2) The Financial Status Report (sec. 127(d)(3));

(3) The Quarterly Summary of Participant Characteristics (sec. 127(d)(2));

(4) Annual CETA Program Activity Summary (sec. 127(d)); and

(5) Annual Report of Detailed Characteristics (sec. 127(d)).

Prime sponsors may from time to time be required to prepare and submit additional reports requested by DOL and other Federal agencies for the performance of the legal responsibilities of these agencies. Detailed descriptions of the five reports are in the *Forms Preparation Handbook.*

(b) The Periodic reports shall be sent by the prime sponsor to be received by the RA no later than 30 days after the end of the reporting period. The annual reports shall be sent to arrive no later than 60 days after the end of the fiscal year.

(c) Separate reports will be required for each Annual Plan Subpart.

§ 676.45 Annual plan subpart settlement procedures; termination of master plan.

(a) The settlement of an Annual Plan Supbart is the process by which the Department of Labor determines that all applicable administrative actions and all required work of the Annual Plan Subpart have been completed by the prime sponsor and DOL.

(b) The RA shall determine, from the best information available, for each expiring Annual Plan Subpart:

(1) Total fund availability;

(2) Estimated accrued expenditures;

(3) Estimated carryout.

(c) The RA shall issue a Notice of Fund Availability to transfer estimated carryout from the previous Annual Plan Subpart. A second Notice of Fund Availability shall be issued by the RA to transfer the carryout into the new Annual Plan Subpart.

(d) By a date specified by the RA, each recipient shall submit a final Financial Status Report for each of the previous year's Annual Plan Subparts.

(e) If the final reports are acceptable, the RA shall effect a preliminary settlement by transferring remaining funds into the current year's Annual Plan Subpart. Final settlement of expired Annual Plan Subparts shall not be complete until an audit has been performed, audit findings have been resolved, and final reports have been submitted.

(f) End of the Master Plan. The Master Plan shall terminate only if:

(1) All activity under the Annual Plan has been completed or the Annual Plan has been terminated and final settlement of the Annual Plan, including an inventory settlement, has been reached.

(2) The Master Plan is a multiparty agreement and one or more signatory parties has legally withdrawn from the agreement and an inventory settlement under the Master Plan has been reached.

§ 676.46 Secretary's responsibilities.

(a) As used in this section, the term "assessment" refers to the Federal review of the performance of individual recipients and the term "evaluation" refers to the Federal study of overall effectiveness and impact of programs and activities under the Act.

(b) The Secretary shall provide for the continuing assessment and evaluation of all programs, activities, and research and demonstration projects including

their cost effectiveness in achieving the purposes of the Act, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons by age, sex, race, and national origin, and the adequacy of the mechanism for the delivery of services. In conducting evaluations the Secretary shall compare the effectiveness of programs conducted by prime sponsors of the same class and of different classes, and shall compare the effectiveness of programs conducted by prime sponsors with similar programs carried out by the Secretary under the Act. The Secretary shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs (sec. 313(a)).

(c) To carry out these responsibilities, special reports may be requested from recipients, as deemed necessary and appropriate by the Secretary (sec. 133(a)(1)).

§ 676.47 Reallocation of funds based on nonutilization.

(a) The RA may reallocate any amount of any allocation under the Act to the extent that it is determined that a recipient will not be able to use such amount within a reasonable period of time.

(b) When the Department reallocates funds, the Department shall not consider as nonutilization a carryover into the next fiscal year by a prime sponsor of up to 10 percent of its annual allocation for each Annual Plan Subpart.

(c) When the RA determines that a reallocation from a prime sponsor is appropriate, the prime sponsor, the general public, and the appropriate Governor shall be given a notice of proposed action to remove funds from the grant. Such notice shall include specific reasons for the action being taken and shall invite the prime sponsor, the appropriate Governor, and general public to submit comments on the proposed reallocation of funds. These comments shall be submitted to the RA within 30 days from the date of the notice. After considering any comments timely submitted, the RA shall notify the Governor and affected prime sponsors on any decision to reallocate funds and shall have any such decision published in the **Federal Register** (sec. 108(b) (1) and (2)).

(d) The producers set out in this section are in lieu of any other procedures which might otherwise be applicable under the Complaints and Sanctions provisions in Subpart F.

(e) In reallocating funds from the prime sponsor, priority shall be given first to other potential deliveries in the prime sponsor's area capable of delivering the services, second to other prime sponsors within the same State and third to prime sponsors within other States. In determining where to reallocate funds, consideration should be given the number of unemployed individuals in the area as well as the ability of the prime sponsor to effectively utilize any reallocated funds. In giving consideration to the number of unemployed individuals, first consideration should be given to areas whose average unemployment rate, during the past four quarters for which data are available, was at least 6.5 percent (sec. 108(b)(3)).

Subpart D—Nondiscrimination and Equitable Service

§ 676.51 General.

This Subpart sets out the Department of Labor's regulations for insuring that discrimination prohibited by section 132 of the Act does not occur in any CETA programs, and that services are provided on an equitable basis to the significant segments of the eligible population. To the extent such provisions apply to them, recipients shall also comply with the provisions of titles VI and VII of the Civil Rights Act, (42 USC 2000 d and 2000 e) the Age Discrimination in Employment Act, (29 USC 620 *et. seq.*) the Equal Pay Act, (29 USC 206(d)) the Rehabilitation Act, (29 USC 794) Title IX of the Education Amendments Act of 1972 (20 USC 1681), the Age Discrimination Act (42 USC 6101) and other applicable nondiscrimination laws.

§ 676.52 Nondiscrimination.

(a) No person shall, on the ground of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief, be discriminated against, or denied employment as a participant, administrator, or staff person, in connection with any program under the Act.

(b) Recipients shall comply with the Department of Labor's nondiscrimination requirements at 29 CFR Part 31 under Title VI of the Civil Rights Act, which prohibits discrimination by race, color or national origin. They shall also comply with the Department of Labor's regulations under Section 504 of the Rehabilitation Act, which prohibits discrimination because of handicap. Both sets of regulations will soon be published for comment in the **Federal Register.**

(c) All programs, to the maximum extent feasible, shall contribute to the elinination of sex stereotyping. Prime sponsors, in planning their program activities, shall;

(1) Recruit for, and encourage, female entry, through such means as training, into occupations with skill shortages where women represent less than 25 percent of the labor force; and

(2) Recruit for, and encourage, male entry, through such means as training, in occupations with skill shortages where men represent less than 25 percent of the labor force.

(d) All programs shall contribute to the maximum extent feasible to the elimination of architectural barriers (sec. 121(a)(4) and (5)).

(e)(1) No person shall be denied training or employment in any program because of artificial barriers to employment.

(2) Prime sponsors shall analyze and reevalute job descriptions and qualification requirements at all levels of employment, including civil service requirements and practices relating thereto, with a view toward removing artificial barriers to public service employment, as defined in § 675.4 (sec. 122(f)).

(3) Where tests or selection procedures have an adverse impact on any race, sex, or national origin group in the selection of participants or staff, such tests or selection procedures shall be validated in accordance with the Uniform Guidelines on Employee Selection Procedures (41 CFR Part 60–3). Tests or selection procedures which have been validated shall not be considered to be artificial barriers to employment.

(f) Prime sponsors shall establish procedures to ensure against discrimination and foster equal employment opportunity.

(g) Each prime sponsor shall assign EEO responsibilities on a full-time basis to an individual or staff, or if this is not practicable, explain why in the Master Plan.

(h) Members of the eligible population shall be provided maximum feasible opportunities for employment in the administration of programs, including staff positions in which they will have opportunities for occupational training and career advancement. Prime sponsors shall make special efforts to recruit and hire staff who will reflect the make-up of the population of the area by age, race, sex, and national origin, and shall take corrective action if the make-up of their staffs vary significantly form this goal (sec. (b)(1)(B)).

§ 676.53 Affirmative action.

(a) Each recipient shall establish an affirmative action plan for outreach to, and training, placement, and advancement of, handicapped individuals in employment and training programs under the Act. Such an affirmative action plan shall be described in the Annual Plan or grant application (sec. 103(b)(15)). In identifying and removing architectural barriers, recipients shall be guided by the standards of American National Standards Institute (ANSI).

(b) Any recipient, which has been determined by DOL or another Federal, State or local government agency to have discriminated in its CETA program, shall take affirmative action to overcome the effects of that discrimination. Other recipients are also encouraged to undertake affirmative action in order to increase the participation of previously underrepresented groups.

(c) The affirmative action plans required by paragraphs (a) and (b) of this section shall include as a minimum:

(1) The development and implementation of specific steps, including the assignment of management responsibility, to achieve objectives within specific timeframes, e.g., special recruitment efforts, test validation, display of EEO posters, identification of artificial barriers, to employment and development of upward mobility programs;

(2) The establishment of monitoring and evaluation procedures to measure progress in meeting the goals of the affirmative action plan within the projected timeframes;

(3) Internal dissemination of an affirmative action policy statement to all CETA management officials, staff, and participants, and external dissemination of the statement to community groups, community-based organizations, minority and women's organizations, and the general public;

(4) Written documentation that subgrantees and contractors are aware of the affirmative action plan including the specific staffing and service goals; and

(5) Placement of advertisements regarding programs in minority owned or operated newspapers and magazines.

§ 676.54 Equitable provision of services to the significant segments of the eligible population.

(a) CETA recipients shall provide employment and training opportunities on an equitable basis to the significant segments of the eligible population (age, race, sex, or national origin group) (sec. 121(b)(1)).

(b) When planning and developing employment and training opportunities, prime sponsors shall first set planned service levels, taking into consideration the age, race, sex, and national origin composition of the eligible population. Whenever giving affirmative action to handicapped individuals, or giving special consideration to Vietnam-Era and special disabled veterans and public assistance recipients, giving special emphasis to groups such as the target groups set forth in the Act, or otherwise serving those most in need will result in service to a significant segment at a level more or less than the incidence of persons in that significant segment in the total eligible population, the prime sponsor's Annual Plan shall provide adequate justification, including an explanation of how the make-up of the target groups by age, race, sex, and national origin will impact on the overall service levels by age, race, sex, and national origin. Prime sponsors may design program and services to assist specific target groups.

(c) The recipient shall take positive steps, such as active recruitment, to ensure that the planned levels of participation are realized. If service levels by prime sponsors to a significant segment (age, race, sex, or national origin group) differ by more than 15 percent from the levels set forth in the approved CETP, the RA shall require corrective action of any prime sponsor which is not able to adequately justify the variance.

Subpart E—Prevention of Fraud and Program Abuse

§ 676.61 General.

(a) To ensure the integrity of the CETA programs, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for the use of program funds. "Abuse" is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this Subpart E identifies and addresses those specific program problems which were of most concern to the Congress during the reauthorization of CETA.

(b) This Subpart sets forth specific responsibilities of recipients and subrecipients and of the Secretary to prevent fraud and program abuse in CETA programs.

§ 676.62 Conflict of interest.

(a) No member of any council under the Act shall cast a vote on any matter which has a direct bearing on services to be provided by that member or any organization which such member directly represents or on any matter which would financially benefit such member or any organization such member represents (sec. 121(h)(2)). However, members of the PIC may vote on the title VII Annual Plan subpart even if that subpart provides funds to the PIC.

(b) Each recipient and subrecipient shall avoid organizational conflict of interest, and their personnel shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act, in accordance with the code of conduct requirements for financial assistance programs set forth in 41 CFR 29–70.216–4 (sec. 123(g)).

(c) Neither the Secretary nor any recipient or subrecipient shall pay funds under the Act to any nongovernmental individual, institution or organization to conduct an evaluation of any program under the Act if such individual, institution or organization is associated with that program as a consultant or technical advisor (sec. 121(h)(1)).

§ 676.63 Kickbacks.

No officer, employee or agent of any recipient or subrecipient shall solicit or accept gratuities, favors or anything of monetary value from any actual or potential subrecipient or contractor (sec. 123(g) and 41 CFR 29–70.216–4).

§ 676.64 Commingling of funds.

Recipients shall comply with the applicable requirements of 41 CFR 29–70.201–2, regarding separate bank accounts (sec. 123(g)).

§ 676.65 Charging of fees.

(a) No funds under this Act shall be used for the payment of a fee charged to an individual for the placement of that individual in a training or employment program under the Act.

(b) No person or organization, including private placement agencies, may charge a fee to any individual for the placement or referral of that individual in any CETA program. Any contract requiring the individual to pay such fees therefore shall not render the individual liable for such fees (sec. 123(j)).

(c) Nothing in this section shall be interpreted as prohibiting the recipient or subrecipient from entering into an

agreement for the purpose of obtaining outreach, recruitment and/or intake services, and placement of participants into unsubsidized jobs as part of its approved plan, provided the individuals served are not charged a fee.

§ 676.66 Nepotism.

(a) Restriction. No recipient, subrecipient, or empolying agency may hire a person in an administrative capacity, staff position, public service employment position, or on-the-job training position funded under the Act if a member of that person's immediate family is engaged in an administrative capacity for that recipient, subrecipient, or employing agency.

(b) No subrecipient or employing agency may hire a person in an administrative capacity, staff position, public service employment position or on-the-job training position funded under the Act, if member of that person's immediate family is engaged in an administrative capacity for the recipient or program agent from which that subrecipient or employing agency obtains its funds. To the extent that an applicable State or local legal requirement regarding nepotism is more restrictive than this provision, such State or local requirement shall be followed (sec. 123(g)).

(c) For purposes of this section: (1) The term "immediate family" means wife, husband, son, daughter, mother, father, brother, borther-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild

(2) The term "person in an administrative capacity" includes those persons who have overall administrative responsibility for a program, including all elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under the Act, as well as other officials who have influence or control over the administration of the program, such as the project director, deputy director and unit chiefs, and persons who have selection, hiring, placement or supervisory responsibilities for public service employment or OJT participants. Persons who are economically disadvantaged and serving on the prime sponsor's planning council, youth council, PIC, or State employment and training council shall not be considered persons in an administrative capacity.

(3) The term staff position includes all CETA staff positions funded under the Act, such as instructors, counselors and other staff involved in administrative, training or service activities.

§ 676.67 Child labor.

All recipients and subrecipients shall comply with applicable Federal, State and local child labor laws.

§ 676.68 Political patronage.

(a) No recipient or subrecipient may select, reflect, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage is partisan in nature, is prohibited.

(b) There shall be no selection of subrecipients of contractors based on political patronage or affiliation (sec. 123(g)).

§ 676.69 Political activities.

(a) No program under the Act may involve political activities (sec. 131(a)).

(1) No participant may engage in partisan or nonpartisan political activities during hours for which the participant is paid with CETA funds.

(2) No participant may, at any time, engage in partisan political activities in which such participant represents himself/herself as a spokesperson of the CETA program.

(3) No participant may be employed or outstationed in the Office of a member of Congress or a State or local legislator or on any staff of a legislative committee.

(4) No participant may be employed or outstationed in the immediate office of any chief-elected executive official (or officials, if the office of chief executive is shared by more than one person) of a State or unit of general local government, except that:

(i) In rural areas, BOS and CEP prime sponsors may employ particpants in such positions provided that documentation is presented to and approved by the RA which makes clear that such positions are nonpolitical; and

(ii) Where positions are technically in such office, but are actually program activities not in any way involved in political functions, documentation attesting to the nonpolitical nature of the positions is to be provided to the Secretary for approval prior to enrollment of participants in such positions.

(5) No participant may be employed or outstationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such nonpolitial positions is permissible. Prime sponsors shall develop safeguards to ensure that participants placed in these positions are not involved in political activities. These safeguards shall be described in the Annual Plan and will be subject to review and monitoring.

(b) Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:

(1) To persons (including participants) employed by States and local government in the administration of the CETA program; and

(2) Generally to any participant whose principal employment is in connection with an activity financed by other Federal grants or loans (sec. 131(b)).

§ 676.70 Lobbying activities.

No funds provided under the Act may be used in any way:

(a) To attempt to influence in any manner a member of Congress to favor or oppose any legislation or appropriation by Congress (sec. 123(g) and 18 USC 1913); or

(b) To attempt to influence in any manner State or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with State and local legislators for purposes of providing information such as on matters necessary to provide compliance with the Act shall not be considered lobbying (sec. 123(g)).

§ 676.71 Sectarian activities.

(a) The Act provides the following prohibitions regarding sectarian activity:

(1) Participants shall not be employed on the construction, operation or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship (sec. 121(a)(2)); and

(2) Participants shall not be involved, nor CETA funds expanded, for religious or anti-religious activities (sec. 123(g)).

(b) The Department intends to publish proposed regulations to further clarify provisions regarding sectarian activities in the near future. Prime sponsors shall present to the Assistant Secretary for approval the specific circumstances for any new hiring into positions involving sectarian institutions or facilities to assure compliance with the provisions of the Act as described in paragraph (a).

§ 676.72 Unionization and antiunionization activities/work stoppages.

(a) No funds under the Act shall be used in any way to either promote or oppose unionization (sec. 123(g)).

(b) No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement which contains a union security provision (sec. 121(n)(2)).

(c) No participant in work experience or public service employment may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must (1) be relocated to positions not affected by the dispute; (2) be suspended through administrative leave; or (3) where participants belong to the labor union involved in the work stoppage, be treated in the same manner as any other union member except such members must not remain working in the effected position. The grantee shall make every effort to relocate participants, who wish to remain working, into suitable positions unaffected be the work stoppage.

(d) No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

(e) Nothing in this section shall prevent an employer from checking off union dues or service fees pursuant to applicable collective bargaining agreements or State law.

§ 676.73 Maintenance of effort.

(a) To ensure maintenance of effort under all programs under the Act,

(1) Recipients and subrecipients shall ensure that such programs:

(i) Result in an increase in employment and training opportunities over those which would otherwise be available (sec. 121(e)(1));

(ii) Do not result in the displacement of currently employed workers, including partial displacement, such as reduction in hours of nonovertime work, wages, or employment benefits (sec. 122(e)(2));

(iii) Do not impair existing contracts for services or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed (sec. 121(e)(3) and (g)(1)), including services normally provided by temporary, part-time or seasonal workers or through contracting such services out; and

(iv) Result in the creation of jobs that are in addition to those that would be funded in the absence of assistance under the Act (sec. 121(g)(1)(B)).

(2) Funds under this Act shall supplement, and not supplant, the level of funds that would otherwise be made available from non-Federal sources for the planning and administration of programs (sec. 121(g)(1)(c)).

(b) In addition to the requirements of paragraph (a) of this section, for public service employment programs funded under this Act:

(1) Recipients and subrecipients shall insure that such public service employment positions shall not

(i) Substitute for existing federally assisted jobs (sec. 122(e)); and

(ii) Be created in any promotional line that will infringe in any way upon promotional opportunities of persons currently in jobs not funded under the Act (sec. 122(d)).

(2) Whenever a promotional freeze affects non-CETA funded employees it shall apply to CETA participants similarly employed.

(3) No participant shall be hired into, or remain working in, any position when:

(i) The same or a substantially equivalent position is vacant due to a hiring freeze, unless the prime sponsor can demonstrate that the freeze resulted from lack of funds to sustain staff levels and was not established in anticipation of the availability of funds under the Act;

(ii) Any other person not supported under the Act or by other Federal funds (other than general revenue sharing) is on lay-off from the same or any substantially equivalent job. The same or equivalent job means any job or position for which:

(A) Per a personnel code or practice or per a collective bargaining agreement, a recall list or other reemployment policy is in effect as to former employees, who have the first right to any job vacancies occurring within a specific period of time in the position.

(B) If there is no recall list, or any other reemployment policy, practice or contractual obligation, one or more employees have been laid off due to a lack of funds or work from a job in the type position anytime during the last operating year of the department or agency (sec. 122(c)(1)).

(4) When termination of CETA participants is imminent due to conditions noted in (3) above, the prime sponsor shall make every feasible attempt to place such participants into other nonaffected positions or otherwise attempt placement into unsubsidized jobs or into another CETA program or activity.

(5) No former employees laid off or terminated in anticipation of CETA funding of a position may be rehired under CETA into such a position.

(6) A recipient or subrecipient shall not use CETA funds in any manner which results in a reduction of the customary level of public service provided by itself or another public entity in the area, by allowing PSE participants to be placed with or outstationed to private nonprofit organizations.

(c) Prime sponsors shall notify the RA in writing of any layoff or hiring freeze and of any recall rights of employees on lay off, in a department or agency where public service employment participants are employed. Prime sponsors shall, at the direction of the RA, submit documentation and budgetary expenditure records, revenue statements, and other available information relevant to a determination under this section. RA's shall not approve any plan unless prime sponsors have submitted, when directed by the RA, conclusive evidence that the proposed use of funds fully meets the requirements of this Section.

§ 676.74 Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations and other criminal provisions.

The criminal provision of 18 U.S.C. 665 states that:

(a) Whoever, being an officer, director, agent or employee of, or connected in any capacity with, any agency receiving financial assistance under the Comprehensive Employment and Training Act knowingly hires an ineligible individual or individuals; embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to such Act shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, such person shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) Whoever, by threat of procuring dismissal of any person from employment, or of refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Employment

and Training Act, induces any persons to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned for not more than 1 year, or both.

(c) Whoever willfully obstructs or impedes, or endeavors to obstruct or impede, an investigation or inquiry under the Comprehensive Employment and Training Act or the regulations thereunder, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

(d) In addition to the criminal provisions set forth in paragraph (a), (b) and (c) of this section, individuals may be held criminally liable under other Federal laws. For example, 18 USC sections 600 and 601 hold them liable if they:

(1) Directly or indirectly, promise any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by funds under the Act, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of, or opposition to, any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office (18 USC 600); or

(2) Directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of any employment or benefits funded under the Act (18 USC 601).

§ 676.75 Responsibilities of recipients and subrecipients for preventing fraud and program abuse and for general program management.

§ 676.75-1 General requirements.

(a) Each recipient and subrecipient shall establish and use internal program management procedures sufficient to prevent fraud and program abuse.

(b) Each recipient and subrecipient shall ensure that sufficient, auditable, and otherwise adequate records are maintained which support the expenditure of all funds under the Act. Such records shall be sufficient to allow the Secretary to audit and monitor the recipients' and subrecipients' programs and shall include the maintenance of a management information system in accordance with the requirements of § 676.34 (sec. 103(a)(1) and 123(g)).

§ 676.75-2 Prime sponsor monitoring procedures.

(a)(1) Prime sponsors, as part of their internal program management procedures, shall establish a monitoring unit which shall be independent of, and not accountable to, any unit being monitored. This unit shall report to a level of management such as the CETA director or the chief-elected official, which will be high enough to ensure adequate monitoring coverage and appropriate action on findings and recommendations. The organizational location of this unit shall be positioned to maximize its objectivity, facilitate its access to information necessary to carry out its monitoring responsibilities and to minimize organizational conflict of interest.

(2) The independent monitoring unit shall periodically monitor and review through on-site visits, and program data, all program activities and services and program administration and management practices supported with funds under the Act in order to ensure compliance with the Act, the regulations and the terms of any subagreements entered into under the prime sponsor's grant. Examples of areas of monitoring are:

(i) Reviewing all systems for controlling program administration, particularly systems for determining participant eligibility;

(ii) Reviewing pay records and attendance reports to insure controls are established for preventing unauthorized payments;

(iii) Interviewing participants to determine job-related problems;

(iv) Examining worksites and work conditions;

(v) Reviewing plans and procedures and subrecipient capability to carry out programs and activities;

(vi) Monitoring subrecipient maintenance of records on all expenditures of CETA funds;

(vii) Reviewing affirmative action plans as applicable.

(3) The independent monitoring unit shall:

(i) Make recommendations to the prime sponsor for corrective action whenever it identifies noncompliance with the Act, the CETP or these regulations;

(ii) Document its monitoring and review activities, the findings resulting therefrom, and any recommendation made for corrective action;

(iii) Maintain on file the prime sponsor's replies to its monitoring reports pursuant to paragraph (a)(5) of this section.

(4) The prime sponsor shall ensure that the monitoring unit is adequately staffed and trained to fulfill its responsibilities (sec. 121(q)).

(5) The prime sponsor shall review all monitoring reports submitted to it by the monitoring unit, acknowledge receipt thereto and respond to the monitoring unit with respect to the action taken or planned in response to the recommendations made.

(6) The prime sponsor shall further require each subrecipient to establish monitoring procedures, and may require, for those subrecipients which have the administrative capability, that they establish and maintain an independent monitoring unit to monitor their programs through review of data, observation of operations and examination of records related to their agreement in order to ensure compliance with:

(i) The Act and the regulations;

(ii) The provisions of its subagreement;

(iii) The provisions of subagreements awarded by it.

(b) Nothing in (a) above should be interpreted as prohibiting the monitoring or review and assessment of the recipients' or subrecipients' program activities and performance by designated CETA staff, in addition to the monitoring undertaken by the independent monitoring unit. When such efforts are undertaken, they shall be considered as distinct from those of the independent monitoring units.

§ 676.75-3 Eligibility Determination and Verification.

(a) *General.* (1)(i) Each recipient and any subrecipient delegated responsibility for eligibility determination, shall establish procedures as described in paragraphs (b)(1), (2), and (3) of this section for the establishment of an eligibility determination system.

(ii) The system is based on the attestation by the applicants that the full and complete information on the application form is true to the best of their knowledge. The recipient or subrecipient makes the determination of participant eligibility based on the information on the form. This determination is backed up by a complete review of the form as soon after enrollment as possible but no later than 30 days. This review is to check the completeness of the information on the form and accuracy of the determination as well as the consistency of the information presented. This review is

followed by a quarterly verification of a sample of the applications of participants enrolled in the quarter. It is this sample where specific documentation will be examined to establish the accuracy of the elements presented on the application form. These three basic steps are described in (b) (1), (2), and (3) of this Section.

(2) The specific procedures for eligibility determination are included in the *Forms Preparation Handbook.*

(3) Each recipient shall be responsible for describing its eligibility determination system in its grant application and for the subsequent effective operation of such system. Liability for questioned costs relating to participant eligibility shall be based on the manner in which the recipient manages its system and the procedures included in § 676.88(b) regarding grant officer authority to allow question costs.

(b) *Elements of the determination system.* All recipients' and subrecipients' eligibility determination systems are to be based on the requirements at (1), (2), and (3).

(1) *The application.* A full and complete application must be taken on all applicants in order to establish participant eligibility.

(i) The application form must include each of the following elements:

(A) Name
(B) Social Security Number
(C) Birthdate and age
(D) Application date
(E) Citizenship Status
(F) Residential address
(G) Family Status
(H) Number in family
(I) Institutionalized Status
(J) Handicapped Status
(K) Public Assistance Status
(L) Work History (list all jobs held in the past twenty-six weeks)
(M) Labor Force Status:
(*1*) Employed
(*2*) Unemployed
(*3*) In-school Youth
(*4*) Underemployed
(*5*) Others
(*6*) Unemployment Insurance Claimant
(N) Family Income
(O) Farm Residence
(P) Economic Status
(*1*) LLSI does not exceed 70%
(*2*) LLSI does not exceed 85%
(*3*) LLSI does not exceed 100%
(Q) Economically Disadvantaged
(R) Veteran's Status
(S) Record of prior CETA Participation
(T) Relatives in administrative capacity

(ii) *Signature of the applicant.* The signature of the applicant and the date of application shall be required on an application form attesting that the information on the application is true to the best of the applicant's knowledge and that there is no intent to defraud. It should also acknowledge that such information is subject to verification and that the participant shall be subject to termination subsequent to enrollment if found ineligible. In the case of an applicant who is a minor (except minors who are heads of households), the signature of the parent, responsible adult or guardian is also required.

(iii) *Signature of the intake officer.* The signature of the intake officer shall be included on the application.

(iv) If there is greater than a 45 day period between the time of application and enrollment, the original application form must be updated, re-signed, and re-dated.

(2) *30 Day Review.*

(i) There shall be a review of all applications as soon as possible after enrollment but not later than 30 days of the date of enrollment, by someone other than the intake officer, to determine that:

(A) The application is complete;

(B) The determination based on the information contained on the application was correct; and

(C) The information on the application is internally consistent and in all other regards reasonable.

(ii) There shall be immediate *verification* of the eligibility of those participants whose applications are determined by the review in paragraph (b)(2)(i) above to be deficient or internally inconsistent.

(3) *Sample Verification and Documentation.*

(i)(A) There shall be a verification of participant eligibility on a quarterly basis of a random sample of participants which is adequate to establish the credibility of the system and to determine whether it is reliable. The random sample should consist of participants enrolled during the preceding 3 months. The size of the sample shall be based on the total participants enrolled during the quarter in accordance with the percentage shown for that number in the *Forms Preparation Handbook.* In no case shall the required random sample exceed 10%.

(B) Specific sources for verifying each element of eligibility are identified in the *Forms Preparation Handbook.*

(C) Where the percentage of ineligibles identified through the quarterly verification exceeds 5% of the number verified, the recipient shall initiate the necessary action to identify and correct deficiencies in the system, and expand the sample taken in order to determine whether the percentage represents a consistent pattern. When the percentage of ineligibles identified through the quarterly verification exceeds 10% of the number verified, the recipient shall present a specific corrective action plan to the grant officer.

(ii) Adequate documentation shall be maintained to ensure the credibility of the eligibility determination. Such documentation shall at a minimum consist of the following:

(A) A completed application for participation;

(B) Documentation of the review conducted pursuant to paragraph (b)(2) of this section and the verification conducted pursuant to subparagraphs (b)(2)(ii) and (b)(3)(i)(A) of this section including the numbers of applications taken, the number of ineligible participants identified, and the reasons for ineligibility; and

(C) Records of all actions taken to correct deficiencies identified in the eligibility determination procedures.

(d) *Other Responsibilities.*

(1) There shall be an immediate termination of any participant determined to be ineligible.

(2) Prime sponsors may delegate the responsibility for determination of eligibility, under reasonable safeguards which include, in addition to the requirements of paragraphs (a), (b), (c), and (d) of this section, provision for reimbursement of costs incurred as a result of erroneous determinations made deliberately or with insufficient care. Where funds cannot be recovered the prime sponsor is responsible for such liabilities (sec. 123(i)).

§ 676.76 Action required of the Secretary.

The Secretary shall annually assess the effectiveness of the monitoring units established in accordance with the requirements of § 676.75–2 of these regulations (sec. 121(g)).

Subpart F—Complaints, Investigations, and Sanctions

§ 676.81 Scope and Purpose.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve complaints, and conduct hearings to adjudicate disputes under the Act. It governs grievance procedures at the recipient or subrecipient level, the receipt and investigation of complaints at the federal level, the procedures for resolving audit disputes or resolving investigative findings, the rules of practice for adjudicative hearings, and the rendering of decisions pursuant to the Act. Judicial review of final action of

the Department after opportunity for an administrative hearing has been exclusively established in the United States Courts of Appeals for the circuits in which the affected parties reside or transact business.

(b) *Initiation of investigations.* CETA investigations may be initiated upon the request of any person or organization or by the Department on its own initiative.

(c) *Non-CETA remedies.* Whenever any person, organization or agency believes that a recipient or subrecipient has engaged in conduct that violates the Act and that such conduct also violates the Federal or a State constitution, a Federal statute other than CETA, or a State or local law, that person, organization or agency may, with respect to the non-CETA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the recipient or subrecipient without first exhausting the remedies in this subpart. For example, if a subrecipient believes that a prime sponsor has breached the subgrant agreement between the prime sponsor and itself, the subrecipient may institute a civil action for breach of contract in a state court if so authorized by State law. Nothing in the Act, this paragraph, nor any other provision in Parts 675–695 of this Chapter shall:

(1) Allow any person or organization to join or sue the Secretary with respect to his or her responsibilities under CETA except after exhausting the remedies in this subpart,

(2) Allow any person or organization to file a suit which alleges a violation of CETA or these regulations without first exhausting the administrative remedies described in this subpart, or

(3) Be construed to create a private right of action. (Sec. 106(1) and 132(d).)

§ 676.82 Protection of informants.

(a) *Informants.* Where possible the identity of any person who has furnished information relating to, or assisted in, an investigation of a possible violation of the Act will be held in confidence. Where disclosure of the person's identity is essential to assure a fair determination of the issues, or where necessary to effectively accomplish responsibilities under the Act, the Inspector General, the Solicitor, the Regional Administrator for CETA, or the Administrative Law Judge presiding over a hearing in which the matter arises, may disclose such identity upon such conditions as will promote the continued receipt of confidential information by the Department and effectuate the protections and policies stated in paragraph (b) of this section.

(b) *Discriminatory discharge prohibited.* No person, organization or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled under the provisions of the Act or the regulations in Parts 675–695 of this Chapter because such person has filed any complaint, instituted or caused to be instituted any proceeding under or related to the Act, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation (Sec. 106(f)(1)).

§ 676.83 Complaint and hearing procedures at the recipient level.

(a) *Policy* (1) Each recipient shall establish and maintain a procedure for resolving any complaint alleging a violation of the Act, regulations, grant or other agreements under the Act, including any complaint arising in connection with the CETA programs operated by its subrecipients procedures must meet the requirements of this section. The complaint procedure shall provide for final resolution of complaints within 60 days after filing the complaint. Where existing complaints or grievance procedures include the elements set forth in this section, recipients may adopt such mechanism as, or as part or, their CETA procedure.

(2) Participants shall be provided, upon enrollment into employment or training, with a written description of the complaint procedures including notification of their right to file a complaint and instructions on how to do so. Recipients should designate an individual to monitor the operation of the complaint procedures, to ensure that complaints and related correspondence are logged and filed, to ensure that assistance is available for properly filing complaints, and to ensure the availability, coordination, and promptness of all elements of the procedures. Upon filing a complaint, and at each stage thereafter, each complainant shall be notified in writing of the next step in the procedure.

(3) Complaints may be brought by any individual or organization including, but not limited to, program participants, subrecipients, contractors, staff of the recipient or subrecipient, applicants for participation or financial assistance, labor unions, and community-based organizations (sec. 106(a)(1)).

(4) With the exception of complaints alleging fraud or criminal activity, the filing of a complaint must be made within one year of the alleged occurrence (sec. 106(a)(1)).

(5) The recipient may delegate the authority to operate and maintain the complaint and hearing procedure to its subrecipients except for issues between the recipient and its subrecipients, issues involving more than one of its subrecipients, or complaints directly involving the operations or responsibilities of the recipient. Where the procedure is delegated, the recipient may provide for an appeal to itself from the decision of the subrecipient or the recipient may provide that the subrecipient's decision is the final decision of the recipient. Where the procedure is delegated, the recipient shall ensure that the procedures specified in this section are followed and a decision issued promptly within 60 days after a complaint is filed.

(6) In any case where the alleged violation of the Act or regulations is also an alleged violation of another law, regulation or agreement, nothing in this section shall preclude an individual or an organization from filing a complaint or grievance under such other law or agreement with respect to the non-CETA cause of action, as well as filing a complaint under CETA.

(7) When a participant is an employee of a recipient or subrecipient and alleges that an occurance constitutes a violation of the Act, regulations, grant, or other agreements under the Act, as well as a violation of the terms and conditions of employment under a state or local law or a collective bargaining agreement, the participant may pursue the complaint and hearing procedures in this section, or the applicable grievance procedures under the state or local law or the collective bargaining agreement, pursuant to § 676.84. A participant who selects the procedures provided in this section, unless otherwise prohibited, is not precluded from filing a complaint under § 676.84. Similarly, a participant who selects the procedure in § 676.84, unless otherwise prohibited, is not precluded from filing a complaint under this section (Sec. 106(a)).

(8) The complaint procedures shall provide that the indentity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the Act shall be kept confidential to the extent possible, consistent with a fair determination of the issues. The above sentence shall also apply to complaints filed with the recipient against the subrecipient.

(b) *Complaint procedures.* The complaint resolution procedure shall include:

(1) Opportunity to file a complaint. All complaints shall be in writing.

(2) Opportunity for informal resolution of the complaint.

(3) Written notification of an opportunity for a hearing when an informal resolution has not been accomplished. The notice shall state the procedures for requesting a hearing and shall describe the elements in the hearing procedures including those set forth in paragraph (c).

(4) Opportunity to amend the complaint prior to a hearing.

(5) Opportunity for a hearing pursuant to paragraph (c) of this section within 30 days of filing the complaint.

(6) A final written decision to the complainant which shall be made within 60 days of the filing of the complaint and shall include:

(i) The reason(s) for the decision.

(ii) A statement that the procedures delineated in this section have been completed.

(iii) Notice of the right to file a complaint with the Grant Officer pursuant to § 676.86 of this subpart where any party disagrees with the decision.

(c) *Hearing procedure.* A hearing, when requested, shall be provided within 30 days after filing a complaint. The hearing procedure shall include:

(1) Written notice of the date, time and place of the hearing, the manner in which it will be conducted, and the issues to be decided. Other interested parties may apply for notice. Such other interested party is a person or organization potentially affected by the outcome. The notice to other interested parties shall include the same information furnished to the complainant and shall further state whether such interested parties may participate in the hearing and if applicable, the method by which they may request such participation.

(2) Opportunity to withdraw the request for hearing in writing before the hearing.

(3) Opportunity to request rescheduling of the hearing for good cause.

(4) Opportunity to be represented by an attorney or other representative of the complainant's choice.

(5) Opportunity to bring witnesses and documentary evidence.

(6) Opportunity to have records or documents relevant to the issues produced by their custodian when such records or documents are kept by or for the recipient or its subrecipient in the ordinary course of business.

(7) Opportunity to question any witnesses or parties.

(8) The right to an impartial hearing officer.

(9) A written decision from the hearing officer to the complainant(s), and any other interested parties within 60 days of the filing of the complaint. This period may be extended with the written consent of all of the parties for good cause. The written decision shall include a synopsis of facts, a statement of reasons for the decision and a statement of remedies to be applied.

(10) Where a complaint procedure provides for a recipient's review of the hearing officer's decision, the recipient shall provide a final written decision to the complainant(s), and any other parties, as provided in paragraph (c)(9) of this section.

(11) Where local law or other personnel rules require procedures in addition to those specified above, similarly employed CETA participants shall be notified of their right to use the same procedures (sec. 122(k)).

§ 676.84 Grievance or complaint procedures at employer level.

(a) *Policy.* Whenever the recipient or subrecipient is an employer, it shall continue to operate or shall establish and maintain for its participants a grievance or complaint procedure relating to the terms and conditions of CETA employment. The employer who does not have a grievance or complaint procedure may use the procedure of the recipient or subrecipient under § 676.83 (Sec. 106(a)(2)).

(b) *Minimum requirements.* Those employers who do not utilize the procedures in § 676.83, shall establish or maintain procedures which shall provide at a minimum:

(1) Notice, upon enrollment into employment or training, of the scope and availability of such procedures.

(2) Notice, at the time the complaint is filed, of the procedures under which the complaint is being processed.

(3) Written notification of the disposition of the complaint, and the reasons therefore, which shall be issued within 60 days of the filing of the complaint, unless the grievance procedure or the collective bargaining agreement specifically provides other limits.

(4) Written notification of the right to file a complaint with the Grant Officer of the decision issued, pursuant to § 676.86.

(c) *Equal benefits.* Where local law or other personnel rules require procedures, in addition to those specified in paragraph (b) above, for any adverse action including termination of employment, similarly employed CETA participants shall be notified of their right to use the same procedures (sec. 122(k)).

(d) *Private for profit employer grievance procedures.* Nothing in this section shall require a private for profit employer to establish a new grievance procedure or to modify an existing procedure as a condition of participating in programs for the training and hiring of participants under the Act. If a private for profit employer does not have a grievance procedure for its employees regarding the terms and conditions of employment the employees may use the procedures specified in § 676.83.

§ 676.85 Exhaustion of recipient level procedure.

(a) *Exhaustion required.* No complainant subject to the grievance procedures specified in either § 676.83 or § 676.84 may file a complaint with the Grant Officer until the recipient level grievance procedures have been exhausted.

(b) *Exhaustion exceptions.* Complainants who have not exhausted the procedures at the recipient level may file the complaint at the federal level, and the Grant Officer shall accept such complaint if he or she determines that:

(1) The recipient or subrecipient has not acted within the time frames specified in § 676.83 and § 676.84; or

(2) The recipient's or subrecipient's procedures are not in compliance with § 676.83 or 676.84, whichever is applicable; or

(3) An emergency situation exists.

§ 676.86 Complaints and investigations at the Federal level.

(a)(1) *General; final determination of substantial evidence.* Where local administrative remedies have been exhausted, section 106(b) of the Act requires that a final determination of the complaint shall be made within 120 days after the Grant Officer receives the complaint. The Grant Officer's resolution pursuant to section 106(i)(1) of the Act constitutes the "final determination" required to be accomplished within the 120 days specified in section 106(b) of the Act. The final determination process consists of the non-criminal investigation, the determination of substantial evidence (either supporting or not supporting the allegations of the complaint or the belief that a recipient or subrecipient is failing to comply with the requirements of the Act or the regulations), and the procedures regarding notice, informal resolution or lack of informal resolution, and notice of opportunity for hearing

contained in section 106(i) of the Act, as established in § 676.88 below.

(2) *Final action distinguished.* Section 107 of the Act provides for judicial review of "final action" with respect to disapproval of a prime sponsor's "comprehensive employment and training plan under section 104 of the Act," or "final action" taken with respect to any recipient in the nature of a sanction under section 106. Such "final action" is defined in § 676.90(f) and is different than "final determination" as described in paragraph (a)(1), for the reason that an opportunity for a hearing to persons outside the agency shall be given prior to imposition of a sanction or disapproval of a Comprehensive Employment and Training Plan, pursuant to Sec. 106(i)(2). The length of the hearing process is subject to the actions of the parties requesting the hearing and the complexity of the issues being heard.

(b) *Contents of complaints.* Every complaint shall be filed in writing before the commencement of any investigation or corrective action shall be required. The complaint shall be filed only after local remedies have been exhausted and no later than 30 days from the date of receipt of the written decision or notice required by § 676.83 or § 676.84. The complaint should contain the following:

(1) The full name, telephone number (if any), and address of the person making the complaint.

(2) The full name and address of the respondent (the recipient, or subrecipient or person against whom the complaint is made).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.

(4) Where known, the provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated.

(5) A statement disclosing whether proceedings involving the subject of the complaint have been commenced or concluded before any federal, state or local authority, and, if so, the date of such commencement or conclusion and the name and address of the authority.

(6) A copy of the final decision of the recipient or subrecipient issued pursuant to § 676.83 or § 676.84 of this subpart.

(7) A complaint will be considered to have been filed when the Grant Officer receives from the complainant a written statement sufficiently precise to both identify those against whom the allegations are made, and to fairly afford the respondent an opportunity to prepare a defense. A complaint may be amended to cure defects or omissions, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date.

(8) A complaint once filed may be withdrawn only with the consent of the Grant Officer. If the complainant fails to cooperate or is unavailable, the complaint may be dismissed upon reasonable notice to the last known address of the complainant.

(9) Complaints alleging discrimination on the basis of race, creed, color, national origin, religion, sex, handicap or age shall be investigated by a Department of Labor EEO officer and otherwise handled in accordance with the federal level procedures set forth at 29 CFR Part 31, or any amendments thereto. When a complaint alleges both discrimination and other violations, those portions of the complaint alleging discrimination shall be handled under 29 CFR Part 31 and those portions of the complaint alleging other violations shall be handled in accordance with the procedures in the following sections of this subpart, provided any hearings and adjudications may be joined as provided in § 676.89(c).

(c) *Investigation of complaints.* Whenever the Grant Officer receives a complaint filed in accordance with sections (a) and (b) above, the complaint shall be investigated if it alleges that any person, recipient or subrecipient is failing to comply with the requirements of the Act, regulations, grant or other agreements under the Act. Such investigation shall be completed and a conclusion made pursuant to § 676.88(a) within 60 days after the filing of a complaint, or such additional time not to exceed 30 days as the Grant Officer may allow. No extensions shall relieve the Grant Officer of the duty to make his or her final determination within 120 days of the filing of the complaint.

(d) *Audit reports.* Upon receipt of a final audit report the Grant Officer will promptly transmit the audit report to the recipient and/or subrecipient for a comment period not to exceed 30 days, or for such additional time as the Grant Officer may allow. Within 30 days after the end of the comment period the Grant Officer shall make his initial determination pursuant to § 676.88(a).

(e) *Onsite reviews and other bases for investigation.* If after an onsite review, monitoring visit, review of reports, data or other information, the Grant Officer has reason to believe that a recipient or subrecipient is failing to comply with the requirements of the Act, regulations grant or other agreements under the Act, the Grant Officer or other designated authority shall investigate the matter.

(f) *Non-Grant Officer investigations.* (1) The Assistant Secretary for Employment and Training may, for puposes of making any investigation, assign a single complaint or classes of complaints to the Office of Investigation and Compliance of the Employment and Training Administration, under such conditions as may be appropriate.

(2) The Assistant Secretary for Employment and Training may, by agreement with the Office of the Inspector General, or the Office of the Inspector General may pursuant to the Inspector General Act of 1978, Pub. L. 95–492, 92 Stat. 1101, assume responsibility for any investigation arising under CETA.

(g) *Utilizing other services.* With the consent and cooperation of state agencies charged with the administration or enforcement of state laws, the Secretary may elect for the purpose of carrying out this subpart and Section 133 of the Act, to utilize the services of state and local agencies and their employees, and notwithstanding any other provision of law, may reimburse, in whole or in part, such state and local agencies and their employees for services rendered for such purposes (sec. 106(h)).

(h) *Criminal investigations.* Notwithstanding any other provision of this subpart, investigation by the Department of any matter concerning a potential federal criminal violation shall be conducted as the Inspector General shall direct pursuant to the powers granted by the Inspector General Act of 1978, Public Law 95–452, 92 Stat. 1101.

§ 676.87 Subpoenas.

(a) *Subpoenas in investigations.* (1) The Assistant Secretary of Labor for Employment and Training may issue a subpoena directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter arising under the Act being investigated. The Solicitor, the Associate Solicitor for Employment and Training Legal Services or the Regional Solicitors, for good cause shown, may extend the time prescribed for compliance with such subpoenas (Sec. 133(a)(3)).

(2) Any motion to limit or quash any investigational subpoena shall be filed with the Chief Administrative Law Judge within 10 days after service of the subpoena, or, if the return date is less than 10 days after service of the subpoena, within such other time as may be allowed.

(3) The timely filing of a motion to limit or quash any investigational subpoena shall stay the requirement of a

return on the portion challenged. If the Administrative Law Judge has not ruled upon the motion by the return date, or if the Administrative Law Judge rules subsequent to the return date, and the ruling denies the motion in whole or in part, the Administrative Law Judge shall either specify a new return date or direct that the office which issued the subpoena do so.

(4) All motions to limit or quash investigational subpoenas, and the investigator's responses thereto, shall be part of the public record of the Office of the Administrative Law Judges except as otherwise ordered or provided under these regulations.

(b) *Noncompliance.* (1) In cases of failure to comply with compulsory processes, appropriate action may be initiated, including actions for enforcement, forfeiture, penalties or criminal actions.

(2) The Solicitor of Labor, with the consent of the Attorney General, may:

(i) Institute on behalf of the Secretary an enforcement proceeding in connection with the failure or refusal of a person, partnership, corporation, recipient or other entity to comply with or to obey a subpoena if the return date or any extension thereof has passed; or

(ii) Request on behalf of the Secretary the institution of civil actions, as appropriate, if the return date or any extension thereof has passed including seeking civil contempt in cases where a court order enforcing compulsory process has been violated.

§ 676.88 Initial and final determination; request for hearing at the Federal level.

(a) *Initial determination.* Upon the conclusion of an investigation conducted pursuant to § 676.86, or after the conclusion of the comment period for audits provided in § 676.86, the Grant Officer shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grant or other agreements under the Act. The determination may conclude either:

(1) That there is insufficient evidence to support the allegation. In such instances the Grant Officer may seek informal resolution of the matter, pursuant to § 676.88(c), or may dismiss the complaint.

(2) That there is substantial evidence to support the allegation, or finding of questioned costs or activities.

(b) *Contents of Initial determination.* The initial determination shall: (1) be in writing, (2) state the basis of the determination, (3) specify the costs or activities disallowed, (4) specify the corrective actions and/or sanctions proposed, and (5) give notice of an opportunity for informal resolution of the matters as necessary to the appropriate parties, which should include all interested parties specified by the Grant Officer. This initial determination shall be mailed by certified mail return receipt requested to the parties and interested parties.

(c) *Allowability of certain questioned costs.* In any case in which the Grant Officer determines that there is sufficient evidence that funds have been misspent, the Grant Officer shall disallow the costs, except that costs associated with ineligible participants and public service employment programs may be allowed when the Grant Officer finds:

(1) The activity was not fraudulent and the violation did not take place with the knowledge of the recipient or subrecipient; and

(2) Immediate action was taken to remove the ineligible participant; and

(3) Eligibility determination procedures, or other such management systems and mechanisms required in these regulations, were properly followed and monitored; and

(4) Immediate action was taken to remedy the problem causing the questioned activity or ineligibility; and

(5) The magnitude of questioned costs or activities is not substantial.

(d) *Informal resolution.* The Grant Officer shall not revoke a recipient's grant, in whole or in part, nor institute corrective action or sanctions against a recipient without first providing the recipient with an opportunity to informally resolve those matters contained in the Grant Officer's initial determination. If the matters are informally resolved the Grant Officer shall notify the parties in writing of the nature of the resolution, and may close the file.

(e) *Final determination.* If all the parties and the Grant Officer cannot informally resolve any matter pursuant to paragraph (d), the Grant Officer shall, not later than 120 days after the filing of the complaint (or receipt of a final audit or investigation report in the absence of a complaint), provide each party with a final written notice in duplicate by certified mail, return receipt requested, that (1) indicates that efforts to informally resolve matters contained in the initial determination pursuant to paragraph (a) have been unsuccessful, (2) lists those matters upon which the parties continue to disagree, (3) lists any sanctions, and required corrective actions, including any other alteration or modification of the plan, grant, agreement or program intended by the Grant Officer, and (4) informs the parties of their opportunity to request a hearing pursuant to these regulations. The Grant Officer shall also mail a copy of his final determinations to any parties in interest.

(f) *Request for hearing.* Within 10 days of receipt of the Grant Officer's dismissal of the complaint or of the Grant Officer's final determination, any affected recipient, subrecipient or complainant may request a hearing by filing a request for hearing with the Chief Administrative Law Judge, United States Department of Labor, Room 700, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, with a copy to the Grant Officer. The request for hearing shall be mailed by certified mail return receipt requested not later than 10 days after receipt of the Grant Officer's determination and shall be considered filed upon receipt at the office of the Chief Administrative Law Judge. The request for hearing shall be accompanied by a copy of the Grant Officer's final determination or dismissal of the complaint and shall specifically state those provisions of the determination upon which a hearing is requested. Those provisions of the determination not specified for hearing, or the entire determination when no hearing has been requested, shall be considered resolved and not subject to further review.

(g) *Notification of filing.* Upon the receipt of a request for hearing the Chief Administrative Law Judge shall promptly notify the Grant Officer, the Associate Solicitor for Employment and Training Legal Services and each party and party in interest named in the Grant Officer's final determination by certified mail, return receipt requested, that the request has been filed and the date of filing. Such notice shall include a copy of the Grant Officer's determination and the request for hearing. Within 30 days of receipt of such notice the Grant Officer shall submit to the Administrative Law Judge an administrative file consisting of all pertinent documents tabbed and containing an index listing the documents. The Grant Officer shall simultaneously transmit two copies of the administrative file to the Associate Solicitor for Employment and Training Legal Services, Room N–2101, 200 Constitution Avenue N.W., Washington, D.C. 20210, and shall retain one copy. Each party or party in interest shall file a notice of intent to participate with the Office of the Chief Administrative Law Judge upon such terms as the

Administrative Law Judge assigned the case shall order.

(h) *Automatic participation.* The Grant Officer shall be a party to all proceedings. Attorneys employed by the Solicitor of Labor shall represent the Grant Officer.

(i) *Discretionary hearing.* Whenever not otherwise eligible for a hearing, an opportunity for a hearing may also be extended when the Assistant Secretary determines that fairness and the effective operation of CETA programs would be furthered.

(j) *Emergency sanctions.* In emergency situations as determined by the Assistant Secretary, where it is necessary to protect the integrity of the funds, or insure the proper operation of the program the Assistant Secretary may immediately terminate or suspend a grantee's authority to obligate funds, in whole or in part and withdraw unexpended funds and make alternative temporary arrangements to carry out the grant program. Within 30 days after such termination or suspension the Assistant Secretary shall notify the grantee of the reason for the action and provide an opportunity to request a hearing (Sec. 106(e)).

§ 676.89 Rules of procedure.

(a) *Applicability of the Federal Rules of Civil Procedure.* On any procedural question not regulated by this subpart, the Act, or the Administrative Procedure Act, the Administrative Law Judge shall be guided to the extent practicable by any pertinent provisions of the Federal Rules of Civil Procedure, including the rules governing intervention.

(b) *Filing.* All papers after the request for hearing required to be served on a party shall be filed with the Administrative Law Judge either before service on the parties of record or within a reasonable time thereafter. The filing of papers with the Office of Administrative Law Judges, as required by these rules, shall be made by filing them with the clerk, except that the Administrative Law Judge may permit the papers to be filed, in which event he or she shall note thereon the filing date and forthwith transmit them to the Clerk.

(c) *Consolidated or joint hearings.* (1) In cases in which the same or related facts are asserted to constitute noncompliance with these regulations and the regulations of one or more other federal departments or agencies, the Administrative Law Judge may, by agreement with such other departments or agencies, provide for the conduct of consolidated or joint hearings conducted in accordance with these rules.

(2) Upon motion of any party, and for good cause shown, the Chief Administrative Law Judge may order the consolidation of hearings in which similar facts and legal issues are present.

(d) *Amicus curiae.* A brief of an amicus curiae may be filed only if accompanied by written consent of all parties, or by leave of the Administrative Law Judge granted upon motion, or on the request of the Administrative Law Judge, except that consent or leave shall not be required when the brief is presented by an officer or agency of the United States, or by a state, territory or commonwealth. The amicus curiae shall not participate in the conduct of the hearing, including the presentation of evidence and the examination of witnesses.

(e) *Discovery.* The provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Courts, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any proceeding conducted under these regulations to the extent that the Administrative Law Judge concludes upon application that their use would contribute to the just, speedy, and inexpensive determination of the proceeding. A subpoena necessary to secure the attendance of a witness at a deposition (including the production of documents or things) shall be obtained and issued as provided in section 676.89(a) of these regulations.

(f) *Prehearing procedures.* (1) *Prehearing conference.* Prehearing conferences may be scheduled by the Administrative Law Judge upon reasonable notice in advance of the hearing in order to permit time in which to complete any prehearing stipulation. The purpose of this conference is to make a good faith effort to:

(i) Discuss the possibility of settlement;

(ii) Stipulate to as many facts or issues as possible;

(iii) Examine all exhibits or documents and other items of tangible evidence to be offered by any party at the hearing;

(iv) Exchange the names and addresses of all witnesses; and

(v) Prepare a prehearing stipulation.

(2) *Prehearing agreement.* (i) Alternatively, the Administrative Law Judge may enter an order requiring the parties to prepare a proposed prehearing order setting forth the issues to be heard, the stipulated and disputed facts, the anticipated witnesses and evidence to be presented, and any other matter deemed appropriate.

(ii) The Administrative Law Judge shall make an order which recites the action taken at the conference, or pursuant to any prehearing agreement, which limits the issues to those not disposed of by admissions or agreements. The order, when entered, shall control the subsequent course of the proceeding, unless modified to prevent manifest injustice.

§ 676.89 Hearings.

(a) *Time and place.* Hearings shall be held at a time and place ordered by the Administrative Law Judge upon reasonable notice to the parties. Due regard shall be given to the convenience of the parties and the witnesses in selecting a place for the hearing. Subpoenas necessary to secure the attendance of witnesses and the production of documents or things shall be obtained from the Office of the Administrative Law Judges and shall be issued pursuant to the authority contained in section 133(a)(3) of the Act incorporating 15 U.S.C. § 49.

(b) *Burden of proof.* The party requesting the hearing shall have the burden of establishing the facts and the entitlement to the relief requested.

(c) *Evidence.* Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the Administrative Law Judge conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties. A transcript shall be made of the oral evidence presented at the hearing. Copies of all exhibits introduced at the hearing and of stipulations of the parties shall be maintained as part of the record. All decisions shall be based upon the hearing record and written findings shall be made.

(d) *Amendments to conform to the evidence.* When issues not raised by the request for hearing, prehearing stipulation or prehearing order are tried by express or implied consent of the parties, they shall be treated in all respect as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made on motion of any party at any time; but failure to so amend does not affect the

result of the hearing of these issues. The Administrative Law Judge may grant a continuance to enable the objecting party to meet such evidence.

(e) *Non-appearance of parties.* If a party fails to appear at a hearing the Administrative Law Judge may hear the cause on behalf of the remaining parties, or may decide the cause on the briefs or dismiss the cause.

(f) *Record for decision.* The transcript of testimony, exhibits and all papers and requests filed in the proceedings including rulings and any proposed findings of fact and conclusions of law, shall constitute the exclusive record for decision.

§ 676.90 Post-hearing procedures.

(a) *Post-hearing briefs; findings and conclusions.* The Administrative Law Judge shall fix the time for filing post hearing briefs, which may contain proposed findings of fact and conclusions of law and, if permitted, reply briefs. Briefs should include a summary of the evidence relied upon together with references to exhibit numbers and pages of the transcript, with citations of the authorities relied upon.

(b) *Decision.* After the time for submission of post-hearing briefs has expired, the Administrative Law Judge shall render a decision adjudicating the cause. A copy of the decision shall be served upon all parties and each amicus curiae, if any.

(c) *Contents of decisions.* The decision of the Administrative Law Judge shall state the factual and legal bases for the decision and shall state the relief to be ordered. The Administrative Law Judge shall have the full authority of the Secretary in ordering relief, including direct action against the subrecipients as authorized by § 106(d)(1) of the Act. Orders for relief may provide for suspension or termination of, or refusal to grant or continue federal financial assistance in whole or in part, and may contain such terms, corrective action, conditions, sanctions (including awards of back pay), reallocations, and other provisions as are consistent with and will effectuate the purposes of the Act and regulations issued thereunder, including provisions designed to insure that no federal financial assistance will thereafter be extended under such program unless and until the prime sponsor, recipient or subrecipient corrects its noncompliance and makes satisfactory assurance that it will fully comply with the Act and regulations.

(d) *Adjustments in payments.* When after a hearing pursuant to this subpart it appears that program funds have been expended in violation of the Act, the regulations, grant, or other agreements under the Act, the Administrative Law Judge may direct, in order to prevent further unauthorized expenditures, that unexpended funds be returned or that funds otherwise payable under the Act be withheld in order to recover any amount expended for unauthorized purposes in any fiscal year. When such action is taken the recipient shall neither reduce program operations, nor reduce compensation to any participant, or otherwise expend less than those sums called for in the grant. Any such reduction in expenditures may be deemed sufficient cause for emergency termination (sec. 106(g)).

(e) *Termination of grant.* When the final decision terminates the grant in whole or in part after hearing pursuant to this subpart, the final decision shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of this notice, the recipient shall:

(1) Discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant.

(2) Promptly cancel all subgrants, agreements and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant.

(3) Settle, with the approval of the Secretary, all outstanding claims arising from such termination.

(4) Submit, within a reasonable period of time, after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant.

(f) *Final decision.* The decision of the Administrative Law Judge shall become the final decision of the Secretary unless the Secretary modifies or vacates the decision within 30 days after it is served.

(g) *Alternative provision of services.* If the final decision specifies suspension or termination of the grant the Grant Officer shall determine how services shall be maintained in the recipients area. As part of the determination, the Grant Officer shall determine whether any funds shall be reallocated to the state or to another recipient to serve the area formerly served by the terminated or suspended recipient. The Grant Officer may also consider the desirability of providing direct federal services to the area through appropriate means (sec. 102).

§ 676.91 Final action; judicial review.

(a) *Final action.* The final decision of the Secretary constitutes final action within the meaning of the Act and the Adminstrative Procedure Act, 5 U.S.C. § 704.

(b) *Judicial review.* Judicial review of final action shall be in accordance with section 107 of the Act.

§ 676.92 Other authority.

Nothing contained in this subpart shall be deemed to prejudice the separate authority of other law enforcement officials to pursue remedies and sanctions available outside the Act. Nothing in this subpart shall be deemed to reduce the responsibility and full liability of the prime sponsors and other recipients.

PART 677—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—General Provisions

Sec.

677.1 Purpose.
677.2 Employability development plan.
677.3 Agreements with state or local education agencies or institutions of higher education.

Subpart B—Training Activities for the Economically Disadvantaged

677.11 Purpose.
677.12 Participant eligibility.
677.13 Activities and services.
677.14 Allocation of funds.
677.15 Annual plan subpart.
677.16 Administrative limitations.

Subpart C—Upgrading and Retraining

677.21 Purpose.
677.22 Participant eligibility.
677.23 Activities and services.
677.24 Agreement with employers.
677.25 Compensation and benefits to participants.
677.26 Reimbursement of employers.

Subpart D—Special Grants for Governors

677.31 Purpose.
677.32 Allocation of funds.
677.33 Grant application; annual plan.
677.34 Governor's distribution of vocational education funds.
677.35 Nonfinancial agreement between prime sponsor and vocational education board.
677.36 State employment and training council.
677.37 Governor's coordination and special services.
677.38 Coordination and establishment of linkages with education agencies.
677.39 Vocational education activities.
677.40 Funding; grant administration.
677.41 Reporting.
677.42 Coordination with prime sponsor.

Subpart E—Transitional Employment Opportunities for the Economically Disadvantaged

677.51 Purpose.
677.52 Participant eligibility.
677.53 Activities and services.
677.54 Eligibility for funds.
677.55 Allocation of funds.
677.56 Annual plan subpart.
677.57 Wages and wage supplementation.
677.58 Special cost provisions.

Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., P.L. 95.524 92 Stat. 1907), unless otherwise noted.

Subpart A—General Provisions

§ 677.1 Purpose.

It is the purpose of this Part to provide employment and training to ease barriers to labor force participation encountered by economically disadvantaged persons, to enable such persons to secure and retain employment at their maximum capacity, and to increase their earned income.

§ 677.2 Employability development plan.

(a) Prime sponsors shall assess each participant in accordance with § 675.6. Based on the assessment, the prime sponsor, in conjunction with each participant, shall develop an Employability Development Plan identifying the available services and activities for the participant.

(b) In establishing such a plan, the prime sponsor shall consider the participant's skills, interest and career objectives, and barriers to employment or occupational advancement faced by the participant (sec. 205(a)).

(c) The Employability Development Plan shall include, but need not be limited to, the following (sec. 205):

(1) Assessment data showing the participant's employability readiness;

(2) Barriers to employment faced by the participant;

(3) Specific employment and training needs;

(4) Specific services and activities to be developed and provided to meet those needs; and

(5) An individualized plan for transition from program activities to placement in unsubsidized employment.

(d) A copy of the plan shall be retained in the permanent record, and a copy given to the participant.

(e) The Employability Development Plan (EDP) shall be reviewed periodically throughout the duration of participation, and revised accordingly (sec. 205(b)). When developing EDPs for participants who receive assistance from other agents or programs which require similar assessments, such as WIN, the plan development should be coordinated with such programs.

§ 677.3 Agreements with State or local educational agencies or institutions of higher education.

(a) The prime sponsor shall enter into nonfinancial or financial agreements with State or local educational agencies or institutions of higher education for the provision of employment and training programs. Such programs shall be designed to prepare individuals for employment. Local educational agencies and institutions of higher education in the area shall be notified by the prime sponsor of the opportunity to enter into such agreements. Specific arrangements for entering into such agreements shall be provided to those which express an interest, and the procedures in (e) shall apply to such agencies (sec. 203(a)).

(b) In the development of the agreement, the prime sponsor shall carefully examine educational resources, consider use of services available at no cost and, where appropriate, procedures for coordination with local educational agencies or institutions of higher education.

(c) Such programs may consist of:

(1) Vocational training;

(2) Instruction in basic cognitive skills;

(3) Employment of persons in schools controlled by such agencies or institutions of higher education; and

(4) Other employment and training activities (sec. 203(c)(1)).

(d) Each agreement shall contain provisions to assure that funds will not supplant State or local funds expended for the same purpose (sec. 203(c)(2)).

(e) If a prime sponsor is unable to reach an agreement with the local educational agencies or institutions of higher education, or if the agencies or institutions are dissatisfied with the utilization of their facilities proposed by the prime sponsor, they may request the RA to review such arrangements. The RA shall try to resolve the dispute by conciliation within 90 days but may not arbitrate the dispute without first offering the parties a hearing (sec. 203(c)(3)).

Subpart B—Training Activities for the Economically Disadvantaged

§ 677.11 Purpose.

This subpart contains the regulations for comprehensive employment and training programs and services authorized under Title II, Part B of the Act. These regulations also implement the administrative provisions found in sections 201 through 216 of the Act.

§ 677.12 Participant eligibility.

Eligibility requirements governing this program may be found in § 675.5–2.

§ 677.13 Activities and services.

(a) Activities and services which may be undertaken are:

(1) Those described in § 676.25, except PSE.

(2) Any programs or activities authorized by Part A of Title III, Title IV and Title VII of the Act with prior approval of the RA (sec. 211(14)).

(b) Examples of programs and activities which may be undertaken within the four categories of allowable activities and services (classroom training, OJT, work experience and services to participants), which may be appropriate for Title II B include:

(1) Job search assistance as described in § 676.25–5(b)(5) (sec. 211(1));

(2) Supported work programs as described in § 676.25–4(c) (sec. 211(3));

(3) Training leading to self-employment in small business (sec. 211(5));

(4) Development of labor market information;

(5) Activities such as job restructuring (sec. 211(1));

(6) Part-time, flexi-time, and other alternative work arrangements for individuals who, because of age, handicap, or other factors are unable to work full-time (sec. 211(1));

(7) Post-termination services to individual to enable them to retain employment such as post-placement follow-up, counseling, and supportive services which shall not exceed 30 days (sec. 211(8)).

(c) *Youth.* (1) Activities and services for youth shall be designed to assist them in overcoming barriers to employment. Such barriers include: lack of basic educational or vocational skills; insufficient preparation for labor force participation; inability to find or successfully apply for employment; financial barriers to labor force participation; and lack of appropriate job opportunities including job opportunities offering alternative working arrangements (sec. 214(a)).

(2) Prime sponsors shall coordinate activities with those under Part A of Title IV of this Act, and have plans reviewed by the youth council. To the maximum extent feasible, programs similar to those authorized in Title IV, Part A, Subpart 3, except for public service employment will be utilized to serve youth under this Part (sec. 214(b)).

(3) Prime sponsors are not to reduce the level of services for youth under their Title II subpart. All Title II subparts must provide for a level and

general mix of services to youth which continues without reduction the level of service to youth provided during the operation of their fiscal year 1977 Title I grant (secs. 421 and 431).

(d) *Older Workers.* (1) Activities and services for older workers shall be designed to assist them in overcoming the particular barriers to employment experienced by older workers, including: skills that are obsolete or no longer needed in the community; physical characteristics associated with aging; employer reluctance to hire older workers; financial barriers to labor force participation; and the lack of appropriate job opportunities, including job opportunities offering alternative working arrangements (sec. 215(a)).

(2) Prime sponsors shall use activities described in Section 308 of the Act (projects for Middle-Aged and Older Workers) and coordinate activities under this Part with programs and services provided by senior centers, area agencies on aging, and State agencies on aging (as designated under the Older Americans Act 42 USC S3001 note). (sec. 215(b)).

(e) *Public Assistance Recipients.* (1) Activities and services for public assistance recipients shall be designed to assist them in overcoming the particular barriers to employment experienced by such recipients, including: lack of basic education or vocational skills; insufficient preparation for adapting to labor force participation; inability to find or successfully apply for employment; inability to obtain satisfactory child care; and inability to obtain transportation to employment opportunities; inability to obtain proper needed services; and lack of appropriate job opportunities including job opportunities offering alternative work arrangements (sec. 216(a));
or successfully apply for employment; inability to obtain satisfactory child care; and lack of appropriate job opportunities (sec. 216(a)).

(2) Prime sponsors shall coordinate services with other programs under the Act, Work Incentive Program (WIN), and services provided by State and local public assistance agencies (sec. 216(b)).

(3) Prime sponsors and WIN sponsors should particularly coordinate in the following areas: Overall planning; eligibility determination/intake; client employability planning; and mutual referral mechanisms.

§ 677.14 Allocation of funds.

Allocations shall be provided to States and prime sponsors pursuant to section 202 of the Act (section 202).

§ 677.15 Annual plan subpart.

(a) *General.* To receive financial assistance under Parts B and C of Title II, a prime sponsor shall submit the following information, which will become part of the Annual Plan described in § 676.11. This Subpart shall consist of a Narrative Description, Program Planning Summary, and Budget Information Summary specific to Parts B and C of Title II.

(b) The Narrative Description shall include: (1) *Objectives and needs for assistance.* (i) Identify those groups that have been determined for priority of service and most in need.

(ii) A breakout of the eligible population by race, sex, national origin, and age, and the planned level of services to be provided for these significant segments in terms of the percent each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and Benefits.* Provide a statement on:

(i) Specific quantified performance and placement goals, by program activity;

(ii) Any performance and placement goals, with respect to groups designated to be served (sec. 103(b)(4));

(iii) Explain any variation between the prime sponsor's performance and placement goals and the Secretary's performance standards (sec. 103(b)(4); and

(iv) Any non-quantifiable goals or outcomes.

(3) *Approach.* (i) Program Activities and Services.

(A) A description of the program activities and services to be provided including a description of how the proposed work experience activities conform to the program requirements for work experience as distinct from PSE.

(B) A description of the circumstances that warrant a waiver of the work experience limitations set forth in § 676.30(g)(2), if appropriate.

(C) A description of upgrading or retraining activities including the prime sponsor's system for determinig eligibility for participation, the criteria used for selection of occupations and employers, and the length of the training period (sec. 221 (a) and (b).

(ii) A description of arrangements to ensure that funds under Subparts 2 and 3 of Part A Title IV of the Act will not be used to replace opportunities available for eligible youth under Title II (secs. 421 and 431).

(iii) A list of the selected service deliverers (summary of recipients and contractors) and the services or facilities to be provided by each. (sec. 103(b)(7)).

(c) The prime sponsor shall attach a Program Planning Summary (PPS) which reflects the goals, objectives and activities for the program year.

(d)(1) The prime sponsor shall attach a Budget Information Summary (BIS) containing the proposed budget for programs under Parts A, B, and C of Title II.

(2) If any item of capital equipment which individually costs more than $1,000 is to be purchased, a list, including quantity and prices of items, must be provided.

(3) If administrative costs are planned to exceed 20% of the funds allocated, adequate justification must be provided.

§ 677.16 Administrative limitations.

(a) Prime sponsors shall not use funds allocated under Title II–B of the Act for public service employment (sec. 212(a)).

(b) Not more than 6.5 percent of each prime sponsor's allocation may be used for programs and activities under Subpart C (Upgrading and Retraining) of this Part (sec. 203(b)).

(c)(1) At least 80 percent of the funds allocated to a prime sponsor shall be expended for wages, fringe benefits, allowances, training, and services to participants enrolled under Subparts B and C of this Part.

(2) The remaining funds may be used for administrative costs incurred by the prime sponsor, and its subrecipients and contractors.

(3) The RA may waive the limitations on expenditures in (1) and (2) above when adequate justification is provided in the Annual Plan Subpart.

Subpart C—Upgrading and Retraining

§ 677.21 Purpose.

This part contains the regulations for upgrading and retraining services, under Title II, Part C of the Act. Upgrading and retraining programs offer additional opportunities to those groups, particularly minorities and women, who are frequently locked into low-paying, dead-end jobs.

§ 677.22 Participant eligibility.

Eligibility requirements governing these programs are found in § 675.5–3.

§ 677.23 Activities and services.

(a) Classroom training and on-the-job training are the only allowable program activities for upgrading and retraining programs. Supportive and employment and training services are the only allowable services to participants (sec.

221(a)). These activities and services are to be conducted in accordance with the requirements contained in § 676.25, except as noted in this Section.

(b)(1) Prime sponsors may conduct retraining programs directly or through public and private employers or other organizations and agencies.

(2) Prime sponsors may conduct upgrading programs for their own employees or through written agreements with public and private employers who in turn may conduct upgrading training through other organizations.

(c) Prime sponsors should coordinate upgrading and retraining programs with Private Industry Councils, particularly in developing and conducting upgrading and retraining programs.

(d) Upgrading Programs. (1) The positions for which participants are being upgraded shall be those:

(i) Which would not otherwise have been available to entry-level employees;

(ii) Which provide opportunities in highly skilled jobs or for upward mobility beyond the occupation for which training is provided; and

(iii) For which adequately trained personnel are not currently available within the employing organization (sec. 221(a)(1)).

(2) The education and skill content of upgrading programs shall provide participants with qualifications for positions of greater skill, responsibility, remuneration or career advancement in the employer's own enterprise (sec. 221(3)).

(3)(i) The upgrading program must clearly qualify trainees to work at a particular occupation, identified prior to the start of training.

(ii) The training period shall be consistent with periods customarily required for comparable training (sec. 221(a)(4)).

(4) The prime sponsor shall make every effort to ensure that participants receive, upon completion, placement in the occupation for which training was provided, and at not less than the prevailing wage rate for the occupation (sec. 221(a)(8)).

(5) Prime sponsors shall give first consideration to those employers who indicate that, for every employee to receive upgrading, at least one new individual is to be hired into unsubsidized employment at the entry level:

(i) Under this agreement, the filling of the unsubsidized, vacated or lower-level job should occur by or before the time the participant completes training; and

(ii) Employers shall hire from the prime sponsor's pool of eligible applicants or from those individuals currently enrolled in activities funded under any of the Titles.

(e) Retraining Programs. (1) Retraining programs must teach participants new skills distinct from those possessed upon entering the program, and shall be for those occupations in which skill shortages exist (sec. 221(b)(3)).

(2) The skill training shall be for those occupations which provide a reasonable expectation of continued employment (sec. 221(b)(3)).

(3)(i) Programs are to be operated only if there is a prior commitment from an employer to hire the participant into the position for which the participant has been retrained (sec. 221(b)(3)).

(ii) Where an individual's current employer expresses no interest in retraining programs, the individual may seek retraining services elsewhere in anticipation of securing employment with another employer.

§ 677.24 Agreements with employers.

Prime sponsors shall enter into a written agreement with any employer whose employees are to receive upgrading or with the providers of retraining services prior to the start of the program. This agreement shall suffice in fulfilling the requirements of § 676.25–2 with respect to OJT agreements. A separate OJT agreement need not be executed. The agreement shall include:

(a) Identification of parties and a signatory page;

(b) Identification of providers(s) of classroom training or services to participants if to be provided by other than the employer;

(c) Training outline:

(1) Criteria for successful completion of the program;

(2) Occupation and wage rate of participant prior to training;

(3) Identified occupation and wage rate upon completion of training;

(4) Identified skills of participant prior to and completion of training;

(d) Methodology and maximum amount of reimbursement;

(e) Reporting requirements.

Subpart D—Special Grants to Governors

§ 677.31 Purpose.

(a) This Subpart contains the regulations for programs to be operated under the Special Grant to Governors which are authorized in Section 202(b)(c)(d) and (e) of the Act. These programs address issues of employment and training which are generally beyond the scope of local prime sponsor programs. These regulations also implement the administrative provisions found in sections 105, 110, and 204 of the Act. The regulations found in Part 676 and Subpart (B) and (C) of this part also apply to programs under the Special Grants To Governors except as indicated in this Subpart.

(b) It is the purpose of the programs under the Special Grant to:

(1) Provide supplemental vocational education assistance in areas served by prime sponsors;

(2) Encourage coordination and establish linkages between prime sponsors and appropriate educational agencies and institutions;

(3) Conduct Governors' coordination and special services within the State; and

(4) Provide support to State employment and training councils.

§ 677.32 Allocation of funds.

(a) An amount equal to 6 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for supplemental vocational assistance in the State, as described in sec. 202(b) of the Act.

(b) An amount equal to 1 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for costs of the State Employment and Training Council provided for in sec. 202(c) of the Act.

(c) An amount equal to 1 percent of the funds available for Parts A, B, C, and D of Title II shall be made available to Governors for coordination and establishment of linkages with educational agencies as provided in sec. 202(d) of the Act.

(d) An amount equal to 4 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for coordination and special services as provided for in sec. 202(e) of the Act.

§ 677.33 Grant application; annual plan.

(a)(1) Upon notification by the Secretary of the amount of funds available for a special grant to the State, the Governor shall submit a Special Grant Annual Plan to the RA. Copies of all forms and instructions are contained in the *Forms Preparation Handbook.*

(2) The Governor shall comply with the comment and publication requirements specified in § 676.12(a), (b) and (d).

(3) In addition, the Governor shall 45 days prior to submission of the plan to the RA, provide (sec. 104(a)):

(i) A summary of the Special Grant Annual Plan to each prime sponsor in the State and to units of general local

government within the Balance of State with a population of at least 25,000;

(ii) A summary of the Special Grant Annual Plan to appropriate Native American program sponsors and to appropriate labor organizations, and

(iii) A description of any programs to be funded within a prime sponsor's area with State coordination and special services funds to the prime sponsor in whose jurisdiction the program is to be funded.

(b) The Governor shall develop a separate Master Plan for the Special Grant as described in § 676.10, as applicable.

(c) The Special Grant Annual Plan shall contain the following: (1) Application for Federal Assistance, Standard Form 424.

(2) Special Grant Program Planning Summary specifying the number of participants to be served by vocational education projects and State Coordination and Special Services and educational linkages.

(3) Special Grant Budget Information Summary specifying funding of vocational education projects, State Employment and Training Councils, State Coordination and Special Services, activities or projects, and activities for establishing linkages and services between prime sponsors and educational agencies.

(4) Special Grant Program Narrative as set forth in (d) below.

(d) The Special Grant Program Narrative shall consist of:

(1) Vocational Education Services Program Narrative

(i) A description of the manner in which the Governor will allocate funds to prime sponsor areas and the rationale for the method used;

(ii) A description of the arrangements for conducting the vocational education programs and activities through the State Board for Vocational Education, and for ensuring the accountability of the State Board to the Governor for these funds;

(iii) A description of the statewide activities, training or services that will be developed including, but not limited to:

(A) The utilization of funds under this Act and the Vocational Education Act, as amended, to enhance economic growth and development in the State (sec. 204(c)(2)(B));

(B) The extent to which information, curriculum materials, and technical assistance in curriculum and staff development will be provided to prime sponsors by State Vocational Education agencies (sec. 204(c)(2)(E)).

(iv) A description of the activities and services provided to, or with, prime sponsors for the prime sponsor areas, including:

(A) How such funds are to be used to coordinate programs under this Act with existing vocational education programs (sec. 204(c)(2)(A));

(B) How linkages between vocational education, education, and training programs under this Act and private sector employers will be developed (sec. 204(c)(2)(C));

(C) How technical assistance will be provided to local vocational education and educational institutions to aid them in making cooperative arrangements with prime sponsors 204(c)(2)(D)).

(v) An explanation of any nonfinancial agreements which have been negotiated between a prime sponsor and the State Vocational Education Board, including:

(A) The steps the Governor will use to ensure that agreement will be reached; and

(B) The process for mediating and resolving any disagreements over the provision of training or services under the nonfinancial agreements.

(2) *State Employment and Training Council Program Narrative*

(i) A list of groups represented on the council;

(ii) A description of the Council's responsibilities pursuant to § 677.36(e).

(3) *State Coordination and Special Services Program Narrative.*

A description of arrangements or planned activities for carrying out each of the activities provided for in § 677.37.

(4) *State Coordination and Establishment of Linkages Between Prime Sponsor and Educational Agencies and Institutions Program Narrative.* A description of arrangements for carrying out each of the activities provided for in § 677.38.

§ 677.34 Governor's distribution of vocational educational funds.

Upon notification of the funds available to the State for vocational education, the Governor shall inform in writing the State Vocational Education Board and each prime sponsor of the amount of funds available to be spent in each prime sponsor's area and the methodology used to determine that amount. If a prime sponsor elects not to use all or part of the funds available for its area, it shall notify the Governor, who shall redistribute the funds among other eligible prime sponsors.

§ 677.35 Nonfinancial agreement between prime sponsor and vocational education board.

(a)(1) Upon notification of the funds available for its area, the prime sponsor shall develop a non-financial agreement in conjunction with the Vocational Education Board, consisting of a statistical, and narrative plan for the expenditure of the funds from the Governor by the Vocational Education Board in the prime sponsor's area. (sec. 204(a)(1)).

(2) Prior to making any agreement with a prime sponsor, the State Vocational Education Board shall consult with, and obtain, the written advice of the State agencies' committee involved in the formulation of the plan for vocational education required by Section 197(a)(1) of the Vocational Education Act, as amended. (sec. 204(a)(2)).

(b) The nonfinancial agreement shall consist of: (1) Prime sponsor's vocational education nonfinancial agreement signature sheet;

(2) Part I of the Special Grant Annual Plan Program Planning Summary;

(3) Appropriate columns of the Special Grant Annual Plan's Budget Information Summary; and

(4) Vocational education program narrative, including the identification of the potential recipient(s) of the funds for program administration.

(c) After the agreement is signed, a copy shall be sent by the Vocational Education Board to the Governor for review and approval.

(d) The Governor shall develop procedures for modifying the nonfinancial agreement.

(e) The Governor shall ensure that the Vocational Education Board provides services consistent with the Governor's Special Grant plan for vocational education services and the nonfinancial agreements.

(f) If, within 90 days after the notification of available funds for the area, the prime sponsor and the Board are unable to reach an agreement, the Governor shall mediate the dispute, so that the local vocational needs of the prime sponsor's area are met. If mediation by the Governor does not result in a solution acceptable to both parties within 120 days after the notification of available funds, the RA shall arbitrate the dispute.

§ 677.36 State Employment and Training Council.

(a) The Governor shall establish a State Employment and Training Council (SETC) which except as provided by paragraph (g) of this section shall be in

addition to the Balance of State planning council, and representative of the geographic area to be served. The SETC function is advisory and does not relieve the State of its final decisionmaking responsibilities under the Act.

(b) The Governor shall appoint Council members, as follows:

(1) At least one quarter of the membership of the Council shall be representatives of units or combinations of units of general local government, including those which are prime sponsors, who have been nominated by their chief executive officers (sec. 110(a)(3)(A).

(2) One quarter of the membership of the council shall be representatives from organized labor, business and agricultural employers and workers (sec. 110(a)(3)(B)).

(3) One quarter of the council shall be representatives of the eligible population to be served under the Act and of the general public. At least one half of such representatives should be economically disadvantaged at the time of appointment. (sec. 110(a)(3)(c)).

(4) Not more than one quarter of the council shall be representatives of service deliverers, including:

(i) One representative from each of the following: the State Public Employment Service; the State Advisory Council on Vocational Education; the State Board of Vocational Education; the State public assistance agency; any State agency which the Governor believes has an interest in employment and training and human resource utilization within the State.

(ii) Representatives of community-based organizations, veterans organizations, and organizations representative of handicapped individuals (sec. 110(a)(3)(d)).

(c) The Governor shall provide the Council with professional, technical, and clerical staff, and other necessary support services (sec. 110(a)(2)).

(d) The Governor shall appoint someone other than an elected official, appointed official or employee of the State as chairperson of the Council. The Council shall meet as it deems necessary, but not less than five times annually. All meetings shall be announced in advance, and shall be open and accessible to the general public (sec. 110(a)(2)(B)(4)).

(e) Funds not needed for the State Employment and Training Council may be used for State coordination and special services. (sec. 202(c)).

(f) The Council shall: (i) Review continuously the operation of programs conducted by prime sponsors in the State and the availability, responsiveness, and adequacy of State services provided by all employment-related agencies. The reviews conducted by SETC's shall include an emphasis upon the following: statewide and inter-prime sponsor issues of utilization and coordination; employment and training resources of State agencies, and the coordination of plans and operations in contiguous areas. The review procedures must be publicized to all prime sponsors and affected State agencies prior to being implemented;

(ii) Submit a public Annual Report to the Governor no later than February of each year, with copies to the State Advisory Council on Vocational Education and the RA, and issue such other studies, reports or documents to the Governor and prime sponsors as the SETC believes necessary to effectively carry out the Act. The Annual Report shall analyze the coordination of employment and training programs during the previous fiscal year, and recommend improvements. It shall also describe any special programs or linkages.

(iii) Consult with the State Advisory Council on Vocational Education to identify employment, training, and vocational education needs of the State and to assess the extent of coordination among employment and training, vocational education, vocational rehabilitation, public assistance and other such programs.

(iv) Comment at least once annually on the reports of the State Advisory Council on Vocational Education which shall incorporate such comments in the annual report it submits pursuant to Section 105 of the Vocational Education Act, as amended.

(v) Review proposed CETP and modifications of prime sponsors, and comment thereon, particularly with respect to non-utilization or duplication of existing services.

(vi) Review plans of State agencies providing employment, training and related services. Provide comments and recommendations to the Governor, appropriate State agencies, prime sponsors, the general public and the appropriate Federal agencies on the relevancy and effectiveness of employment, training and related service delivery systems in the State and on means of improving effectiveness.

(vii) Participate in the development of the Governor's coordination and special services plan.

(viii) No later than May 15, to the maximum extent feasible, the council shall share with prime sponsors information on economic development, vocational rehabilitation, SESA activities, occupational demands and labor market demands.

(g) *Combined planning and services councils.* In any State where the State is the only prime sponsor, the prime sponsor planning council may also serve as the State Employment and Training Council. In such instances, the membership of the prime sponsor's planning council shall reflect the membership requirements of the State Employment and Training Council, in addition to meeting the membership requirements of a prime sponsor planning council, except that paragraph (b)(1) of this section is not applicable.

§ 677.37 Governor's coordination and special services.

(a) Funds provided under § 677.32(d) of these regulations shall be used for the following activities (sec. 105(b)):

(1) Coordination of all employment, training, education and related services provided by the State, by prime sponsors, by State education agencies and other appropriate institutions of vocational and higher education, by State and local public assistance agencies, by apprenticeship programs and by other providers of such services (sec. 105(b)(1));

(2) Coordination of programs financed under the Wagner-Peyser Act, 29 USC § 49 *et seq.* and this Act, including assisting in the negotiation of any agreement (including partnership arrangements described in section 307) between prime sponsors and State employment security agencies (sec. 105(b)(2));

(3) Minimizing the duplication of services (sec. 105(b)(3));

(4) Assistance to the Secretary in enforcing the requirements for Federal contractors and subcontractors to list all suitable employment openings with local offices of the State employment service agencies and to take affirmative action, on behalf of veterans as required in Section 2012(a) of Title 38, United States Code (sec. 105(b)(4));

(5) Promotion of prime sponsor planning that takes into account conditions prevailing in labor market areas covering more than one prime sponsor area, as well as related activities such as community development, economic development, vocational education, vocational rehabilitation, and social services (sec. 105(b)(5));

(6) Exchange of information between States and prime sponsors with respect to State, interstate and regional planning for economic development, human

resources development, education and other subjects relevant to employment and training planning (sec. 105(b)(6));

(7) Development and provision to prime sponsors of information on a State and local area basis regarding economic, industrial and labor market conditions (sec. 105(b)(7));

(8) Provision to prime sponsors, upon request, of appropriate information and technical assistance to assist them in developing and implementing their programs (sec. 105(b) (8));

(9) Conduct of special model training and employment programs and related services which may include programs for offenders (sec. 105(b)(9));

(10) Provision of financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas (sec. 105(b)(11));

(11) Provision of labor market and occupational information to prime sponsors and appropriate educational agencies and institutions without reimbursement (sec. 105(b)(11));

(12) Facilitating and fostering the activities of the State Occupational Information Coordination Committee established with special emphasis on the systematic use of occupational information for prime sponsor planning as well as assisting and encouraging the development and use of career outlook information for individuals who are receiving rehabilitation services, students in local schools and individuals using the services of prime sponsors and local offices of State employent security agencies (sec. 105(b)(11));

(13) Assistance or support to State or local activities under the Targeted Jobs Tax Credit program.

(b) Funds may be used for additional support of the State Employment and Training Council, if explained in the Special Grant Annual Plan.

(c) When using funds provided under § 677.32(d) for employement and training activities the appropriate requirements of § 676.25 (Employment and Training Activities) apply.

(d) PSE may be funded with funds provided under § 677.32(d) only as a model or demonstration program with the approval of the RA.

§ 677.38 Coordination and establishment of linkages with Education agencies.

(a) Funds provided under § 677.32(c) shall be available for encouraging coordination and establishing linkages between prime sponsors and appropriate educational agencies and institutions, and institutions providing training programs approved by the Secretary such as apprenticeship programs. Funds may be used for activities such as:

(1) Providing assistance to prime sponsors or education institutions in the development of agreements between prime sponsors and State Boards of Vocational Education and State or local educational agencies or institutions of higher education (sec. 203(c), sec. 433(d)(2), and sec. 436(c));

(2) Establishing mechanisms to increase information exchange between prime sponsors and educational agencies and institutions;

(3) Developing and disseminating models of linkages which can be shared with all prime sponsors in the State;

(4) Providing technical assistance to prime sponsors and educational agencies in the extension of educational offerings to prime sponsor jurisdictions which lack access to various education opportunities;

(5) Providing information, curriculum materials and technical assistance in curriculum development and staff development to prime sponsors;

(6) Providing assistance in development of systems for assessment and testing of the educational attainment of participants in prime sponsor programs;

(7) Providing assistance to eliminate barriers in the educational system which hamper employment and training activities, such as development of open entry/open exit courses and academic credit for CETA training.

(b) Funds for services to eligible participants shall be used for the purposes of encouraging and supporting training activities which are jointly delivered by employment and training agencies and appropriate educational agencies and institutions, including apprenticeship programs or hometown plans. Funds may be used to:

(1) Expand the size of jointly delivered programs;

(2) Enhance training and services available to participants in jointly delivered programs;

(3) Assist in the planning, development and evaluation of jointly delivered programs.

§ 677.39 Vocational education activities.

(a) The Governor shall provide vocational education funds received by special grant to the State Vocational Education board as described in § 677.34 of this Subpart D and approve the plans for expenditure of those funds.

(b)(1) The State Vocational Education Board representatives will provide the training and services detailed in a nonfinancial agreement with the prime sponsor as described in § 677.35 of this Subpart D.

(2) If no Vocational Education Board exists within a State, the Governor may provide financial assistance to an alternate agency which serves the same purpose as a State Vocational Education Board. If the Vocational Education Board refuses to participate in this program the Governor shall make alternative arrangements to provide these services.

(c) Vocational education services which may be provided by a State Vocational Education Board include, but are not limited to, basic or general education, educational programs conducted for offenders, institutional training, and supportive services. Vocational education funds may be used for the payment of allowances to participants in vocational education training and for administrative costs incurred for the vocational education programs funded under the Act.

(d) When funds for vocational education services are used for the payment of allowances to participants, the method of payment utilized must be that of the prime sponsor whose participants are receiving such allowances.

(1) Where the prime sponsor has an established delivery system for the payment of allowances pursuant to § 676.26 (Compensation for participants), the State Vocational Education Board shall utilize the agency or agencies administering that system.

(2) Where the prime sponsor has no allowances payment delivery system, the method of payments shall be developed between the prime sponsor and the State Vocational Education Board subject to the requirements of § 676.26.

(e) For funds for vocational education assistance, not less than 85 percent shall be used for providing vocational education services to prime sponsor's participants in programs under the Act.

(1) Of this amount, not more than 20 percent of the funds used for such education and services may be used for administration.

(2) At least fifty percent of the vocational education funds allocated to administration shall be made available to local prime sponsor areas unless adequate justification for not doing so is provided to the RA by the Governor.

(f) Subject to the limitations specified in § 676.40 (Allowable costs under CETA), and § 677.39 (e)(1) above, the remaining funds may also be used by the Vocational Education Board for the following activities:

(1) To coordinate programs under this Act with existing vocational education programs;

(2) To coordinate the utilization of funds under this Act with the Vocational Education Act, as amended, to enhance economic growth and development in the State;

(3) To develop linkages between vocational education and training programs under this Act with private sector employers;

(4) To provide technical assistance to vocational education agencies to aid them in making cooperative arrangements with appropriate prime sponsors;

(5) To provide information, curriculum materials and technical assistance in curriculum development and staff development to prime sponsors.

(g) Of the total amount provided for vocational education assistance, the Governor may retain only the nominal amount of administrative funds necessary to carry out his or her responsibilities to provide for passing the funds through to the Vocational Education Board.

§ 677.40 Funding; grant administration.

(a) Funding. Special grants to Governors will be funded in the same way as grants to prime sponsors under this Part.

(b) Grant Administration. The requirements related to grant administration contained in Part 676 are applicable to special grants to Governors, except as provided in this Subpart. Requirements pursuant to § 676.75–2 also apply. The overall 20 percent limitation on funds used for administration as set out in § 676.40 shall not apply to the special grant, except as specified in sec. 677.39(e) and (f).

§ 677.41 Reporting.

(a) Financial and statistical reports, as described in the *Forms Preparation Handbook*, shall be submitted quarterly. In addition, an end of year narrative report will be submitted which describes achievement during the year.

(b) The following financial and statistical reports are required:

(1) A Special Grant Program Status Summary;

(2) A Special Grant Financial Status Report; and

(3) A Quarterly Summary of Participant Characteristics (QSPC). The QSPC shall be required only for participants where the State coordination and special services or educational linkages funds are utilized to fund training and employment opportunities. A QSPC shall not be required for vocational education services since all participants will be involved in a prime sponsor program and will be reported through regular quarterly reports.

(c) The Governor shall supply to each prime sponsor to which vocational education services are provided, a Special Grant Program Status Summary and a Special Grant Financial Status Report for funds expended in the prime sponsor's area and shall submit a summary Special Grant Program Status Summary and a Special Grant Financial Status Report to the RA.

(d) Each of the three reports in (b) above shall be submitted to the RA no later than 30 days after the end of the reporting period. The narrative report required under paragraph (a) shall be submitted no later than 30 days after the end of the fiscal year. Instructions for completion of these reports are in the *Forms Preparation Handbook*.

§ 677.42 Coordination with prime sponsor.

(a) The financial and statistical information from the approved Nonfinancial Agreement Program Planning Summary and Budget Information Summary shall be entered into the relevant columns of the Governor's Special Grant Program Planning Summary and Budget Information Summary. If the Governor's Special Grant Annual Plan has been signed prior to final approval of the Vocational Education Agreement, a modified Special Grant Program Summary and Budget Information Summary shall be submitted.

(b) The prime sponsor shall provide on a quarterly basis to the State Vocational Education Board a list of the participants enrolled in classroom training under the nonfinanical agreement. The list shall include names, social security numbers, date of birth and Title under which enrolled. The State Vocational Education Board shall prepare the Vocational Education Program Status Summary and submit the report to the Governor for submittal to the RA.

(c) The prime sponsor need not report the participant or financial information in the Program activity section on the Program Status Summary or their Financial Status Report unless prime sponsor funds are also expended.

Subpart E—Transitional Employment Opportunities for the Economically Disadvantaged

§ 677.51 Purpose.

This Subpart contains the regulations governing prime sponsors for transitional employment opportunities for economically disadvantaged persons under Title II, Part D of the Act. This program provides public service employment only for unemployed, economically disadvantaged persons and provides related training and services to these individuals to enable them to move into employment or training not supported under the Act. This program targets resources to those structurally unemployed persons who lack the necessary skills and/or employment experience to enable them to successfully compete in the labor market. The program combines public service employment with other employment and training activities including employability counseling and job search assistance (sec. 231).

§ 677.52 Participant eligibility.

Eligibility requirements applicable to this Subpart may be found in § 675.5–5.

§ 677.53 Activities and services.

(a) Subject to the cost provisions of § 677.58, prime sponsors shall use funds for entry-level public service employment, including projects carried out by project applicants, or for activities authorized under § 677.13 (secs. 232(a)(1) and 234).

(b) Prime sponsors shall periodically assess each participant in relation to that participant's employability development plan to determine if the participant needs additional training or services (sec. 205(b)).

(c)(1) For those public service employment participants who are determined, on the basis of their employability development plans, to be in need of additional training and services, appropriate training and services shall be given such participants, when such training and services are available from the prime sponsor or other sources in the area (sec. 232(a)(2)).

(2) Training and services may be offered before, during, or after the public service employment to which they are related, in accordance with the participant's employability development plan.

(3)(i) For the purposes of meeting the requirements of § 677.58(a)(1)(ii), training shall be in the form of classroom training or individualized

instruction as described in § 676.25(a) which:

(A) Provides technical skills and information required to perform a specific job or group of jobs;

(B) Is designed to enhance the employability of the participant in terms of upgrading basic skills (e.g., remedial education); or

(C) Provides skills in job-search techniques.

(ii) Training shall not be in the form of on-the-job training.

(d) Training and services conducted by program agents shall be coordinated with those conducted by the prime sponsor.

(e) Prime sponsors should work with the Bureau of Apprenticeship and Training to develop public sector apprenticeship programs that provide training applicable to the private sector.

(f) In carrying out PSE activities, the provisions of § 676.73, relating to maintenance of effort, shall apply.

(g) Jobs shall be allocated among State and local public agencies and subdivisions thereof, such as educational agencies, within the prime sponsor's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies and the ratio of jobs in the area at each governmental level. The prime sponsor has the ultimate responsibility for determining the equitable distribution and for the selection, job structure, participant benefits, and all other aspects of the jobs funded under this Subpart.

(h) Where prime sponsors undertake public service employment in projects, the provisions of § 678.3(b), (c), and (d) shall apply.

§ 677.54 Eligibility for funds.

(a) Prime sponsors, designated under § 676.5, are eligible to receive funds under this Subpart.

(b)(1) A jurisdiction or a combination of jurisdictions desiring to become a program agent shall so notify the prime sponsor, in writing, no later than May 15, preceding the fiscal year in which such arrangement is to take effect. Prime sponsors shall subgrant to program agents those funds allocated to the prime sponsors for the use of those program agents (sec. 606(b)(1)).

(2) Program agents shall have administrative responsibility for developing, funding, overseeing, and monitoring programs within their areas, consistent with the comprehensive employment and training plan. The subgrant shall be jointly developed by the prime sponsor and the program agent (sec. 606(b)(2)).

(3) If a program agent fails to comply with paragraph (b)(2) of this section, the prime sponsor, after review and concurrence of the RA, shall ensure compliance by such action as reallocating funds to an alternative program agent to serve the area, or serving the area itself.

(4) When two or more units of general local government attempt to qualify as program agents with respect to the same area, the designation provisions in § 676.5(b)(2) shall apply (sec. 606(b)(3)).

§ 677.55 Allocation of funds.

Funds shall be allocated by the Secretary in accordance with Section 233 of the Act.

§ 677.56 Annual plan subpart.

(a) *General.* To receive financial assistance under Part D of Title II of the Act, a prime sponsor shall submit the following information as the Annual Plan Subpart which will become part of its Annual Plan:

Narrative Description, Program Planning Summary, Budget Information Summary, Monthly Schedule, and PSE Occupational Summary.

(b) *Narrative Description.* The narrative description shall include:

(1) *Objectives and Needs for Assistance.* A breakout of the eligible population by race, sex, national origin, and age, and the planned level of services to be provided these groups in terms of the percentage each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and Benefits.* The results and benefits expected including:

(i) Specific quantifiable performance and placement goals by program activity;

(ii) Performance and placement goals with respect to groups designated to be served (sec. 103(b)(4));

(iii) The relationship between the prime sponsor's performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)); and

(iv) Non-quantifiable goals which the prime sponsor intends to achieve.

(3) *Approach.* The approach to be used in producing the expected results and benefits, including:

(i) Program activities and services to be provided, including a description of the arrangements for the provision of training and services that will assist participants in obtaining unsubsidized employment;

(ii) How the prime sponsor will provide for an orderly transition from the number of jobs funded in the current fiscal year to the number of jobs that will be funded with the allocation for the next fiscal year (sec. 602(c));

(iii) The wages or salaries and fringe benefits for public service employment participants and a comparison of these with the wages or salaries and fringe benefits paid to persons in similar public occupations by the same employer; levels of employment not supported under the Act; layoffs, and hiring and promotional freezes in each employing agency (sec. 103(b)(10));

(iv) The methods to be used to ensure that, at the end of the fiscal year, the annual average wage rate does not exceed the area's required annual average wage rate, as described in § 676.26–1(c)(3);

(v) The methods to be used to determine wage rates if wage rates for comparable jobs have not been established; and

(vi) How the public service employment program is integrated with other programs under the Act.

(4) *Service Deliverers.* A list of the selected service deliverers and the services or facilities to be provided by each (summary of subrecipients and contractors).

(c) *Program Planning Summary (PPS).* A PPS reflecting the goals and activities for the program year.

(d) *Budget Information Summary (BIS).* A BIS containing the proposed budget and a list specifying the quantity and price of each piece of capital equipment exceeding $1,000 to be purchased during the fiscal year.

(e) *Monthly Schedule.* A monthly schedule which contains an estimate of the total number of participants who will be enrolled in Title II, Part D programs at the end of each month and the total cumulative expenditures expected to have been incurred by the end of each month by the PSE and non-PSE programs.

(f) *Public Service Employment Occupational Summary.* A Public Service Employment Occupational Summary which includes a listing, by employing agency, of proposed public service employment positions and wages and a comparison of such wages with those paid persons in similar unsubsidized jobs.

§ 677.57 Wages and wage supplementation.

Wages paid to public service employment participants and the

supplementation of such wages shall be in accordance with § 676.26–1(c) (sec. 237).

§ 677.58 Special cost provisions.

(a)(1) Of the funds utilized by prime sponsors for project and non-project public service employment programs:

(i) Not more than 10 percent may be contributed to the administrative cost pool (sec. 232(b)(1));

(ii) Not less than the following percentages shall be used only for training for PSE participants:

(A) 10 percent of such funds available for expenditure after April 1, 1979;

(B) 15 percent of such funds for fiscal year 1980;

(C) 20 percent of such funds for fiscal year 1981;

(D) 22 percent of such funds for fiscal year 1982 (sec. 232(b)(2)).

(iii) The remaining funds may be expended only for wages, fringe benefits, training and services to persons employed in public service employment (sec. 232(b)(3)).

(2) Wages, a proportional share of fringe benefits, and allowances paid to PSE participants for the period of their training may be counted towards the percentage amounts that are required to be used for such training. Records of these wages, fringe benefits, and allowances shall be maintained separately by the prime sponsor to be available for audit.

(b) Funds under this title may be utilized by prime sponsors for other activities as set forth in § 677.13 for eligible persons not in PSE (sec. 234); however, not more than 10 percent of the funds utilized for such activities may be contributed to the administrative cost pool.

(c) Unless otherwise agreed to, at least 50% of the amount available for administration of the program shall be available to program agents for administrative costs.

PART 678—PUBLIC SERVICE EMPLOYMENT PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

678.1 Purpose.
678.2 Participant eligibility.
678.3 Activities and services.
678.4 Eligibility for funds.
678.5 Allocation of funds.
678.6 Annual plan subpart.
678.7 Wages and wage supplementation.
678.8 Special cost provisions.

Authority.—Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., P.L. 95.524 92 Stat. 1907), unless otherwise noted.

§ 678.1 Purpose.

This Part contains the regulations governing prime sponsors for countercyclical public service employment (PSE) under Title VI of the Act. This program provides temporary employment during periods of high unemployment when the national rate of unemployment is in excess of 4 percent. It is intended that the number of jobs funded shall be sufficient to provide jobs for 20 percent of the number of unemployed in excess of 4 percent, and, when the national rate of unemployment is in excess of 7 percent, to provide jobs for 25 percent of the number of unemployed in excess of 4 percent (sec. 601).

§ 678.2 Participant eligibility.

Eligibility requirements applicable to this Part may be found in § 675.5–6.

§ 678.3 Activities and services.

(a)(1) Prime sponsors shall use at least fifty percent of the funds received under this Part which are available for new hires between April 1, 1979, and September 30, 1979, for public service jobs in projects, except where the prime sponsor is, on April 1, 1979, utilizing at least fifty percent of the funds for this purpose and maintain a fifty percent level in projects for the entire fiscal year.

(2) After September 30, 1979, prime sponsors shall use at least fifty percent of the funds available under this Part for PSE jobs in projects.

(b)(1) Public service jobs in projects are not limited to entry level positions (sec. 605(a)).

(2) To the extent feasible, all public service jobs shall be provided in occupational fields which are most likely to expand (sec. 122(m)).

(c) Each prime sponsor shall establish procedures for its own use and the use of its program agents:

(1) For notifying potential project applicants of the application process and cut-off date for acceptance of project applications;

(2) For submitting, upon receipt, a copy of each project application to the prime sponsor's planning council to allow the council to submit comments and recommendations with respect to the project application.

(d) Prime sponsors and program agents should provide at least one-third of the project funds to project applicants that are nonprofit organizations.

(e) All projects shall be planned not to exceed eighteen months from their commencement. A project may be extended in increments of up to eighteen months, if, after a documented review of the project, the prime sponsor determines that the project has been effective. Projects may be extended for reasons such as:

(1) Expanding the geographic area of the project; or

(2) Expanding the project to serve additional persons; or

(3) Expanding the scope and design of the original project; or

(4) Continuing weatherization projects.

(f) In addition to providing public service employment in projects, prime sponsors may utilize funds under this Part for entry level PSE not in such projects, in accordance with the special cost provisions in § 678.8.

(g) Jobs shall be allocated among State and local public agencies and subdivisions thereof, such as educational agencies, within the prime sponsor's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies and the ratio of jobs in the area at each governmental level. The prime sponsor has the ultimate responsibility for determining the equitable distribution and for the selection, job structure, participant benefits and all other aspects of the jobs funded under this Part.

(h) Prime sponsores shall periodically assess each public service employment participant to determine whether the participant needs additional training, employability counseling or other services, in order to obtain unsubsidized employment. Prime sponsors shall utilize funds in accordance with the special cost provisions in § 678.8(b)(1)(ii) to provide services, such as employability counseling, including job search techniques, intensified job development, and training, as described in § 677.53(c)(3)(i), for public service employment participants to enable them to obtain unsubsidized employment. Such training or services conducted by program agents shall be coordinated with those conducted by the prime sponsor.

(i) Activities other than PSE authorized under Title II, Part A of Title III, Title IV, and Title VII may be provided in accordance with the special cost provisions in § 678.8(c) (sec. 610).

(j) Prime sponsors should work with the Bureau of Apprenticeship and Training to develop public-sector apprenticeship programs that provide training applicable to the private sector.

(k) In carrying out public service employment activities, the provisions of § 676.73 relating to maintenance of effort shall apply.

§ 678.4 Eligibility for funds.

(a) Prime sponsors, designated under § 676.5, are eligible to receive funds under this Part.

(b)(1) A jurisdiction or a combination of jurisdications desiring to become a program agent shall so notify the prime sponsor, in writing, no later than May 15 preceding the fiscal year in which such arrangement is to take effect. Prime sponsors shall subgrant to program agents those funds allocated to the prime sponsors for the use of those program agents (sec. 606(b)(1)).

(2) Program agents shall have administrative responsibility for developing, funding, overseeing, and monitoring programs within their areas consistent with the comprehensive employment and training plan. The subgrant shall be jointly developed by the prime sponsor and the program agent (sec. 606(b)(2)).

(3) If a program agent fails to comply with paragraph (b)(2) of this section, the prime sponsor, after review and concurrence of the RA, shall ensure compliance by such action as reallocating funds to an alternative program agent to serve the area, or serving the area itself.

(4) When two or more units of general local governments attempt to qualify as program agents with respect to the same area, the designation provisions in § 676.5(b)(2) shall apply (sec. 606(b)(3)).

§ 678.5 Allocation of funds.

Funds shall be allocated by the Secretary in accordance with Section 604 of the Act.

§ 678.6 Annual plan subpart.

(a) *General.* To receive financial assistance under Title VI of the Act, a prime sponsor shall submit the following information as the Annual Plan Subpart which will become part of its Annual Plan: Narrative Description, Program Planning Summary, Budget Information Summary, Monthly Schedule, and PSE Occupational Summary.

(b) *Narrative Description.* The narrative description shall include:

(1) *Objectives and needs for assistance.* A breakout of the eligible population by race, sex, national origin and age, and the planned level of services to be provided these groups in terms of the percentage each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and Benefits.* The results and benefits expected including:

(i) Specific quantifiable performance and placement goals by program activity;

(ii) Performance and placement goals, with respect to groups designated to be served (sec. 103(b)(4));

(iii) The relationship between the prime sponsor's performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)); and

(iv) Non-quantifiable goals which the prime sponsor intends to achieve.

(3) *Approach.* The approach to be used in producing the expected results and benefits including:

(i) Program activities and services to be provided, including a description of the arrangements for the provision of training and services that will assist participants in obtaining unsubsidized employment;

(ii) How the prime sponsor will provide for an orderly transition from the number of jobs funded in the current fiscal year to the number of jobs which will be funded with the allocation for the next fiscal year (sec. 602(c));

(iii) The extent to which the prime sponsor will supplement wages of persons other than those who were in the program on September 30, 1978, including:

(A) The maximum amount of funds used to supplement any one particular job funded under this Part; and

(B) The total amount of funds used to supplement all jobs funded under this Part;

(iv) The wage rates or salaries and fringe benefits for public service employment participants and a comparison of these with the wages or salaries and fringe benefits paid to persons in similar public occupations by the same employer; levels of employment not supported under the Act; layoffs, and hiring and promotional freezes in each employing agency (sec. 103(b)(10));

(v) The methods to be used to ensure that, at the end of the fiscal year, the annual average wage rate does not exceed the area's required annual average wage rate, as described in § 676.26–1(c)(3);

(vi) The methods to be used to determine wage rates if wage rates for comparable jobs have not been established; and

(vii) How the public service employment program is integrated with other programs under the Act.

(4) *Service Deliverers.* A list of the selected deliverers and the services or facilities to be provided by each (summary of subrecipients and contractors).

(c) *Program Planning Summary (PPS).* A PPS reflecting the goals and activities for the program year.

(d) *Budget Information Summary (BIS).* A BIS containing the proposed budget and a list specifying the quantity and price of each piece of capital equipment exceeding $1,000 to be purchased during the fiscal year.

(e) *Monthly Schedule.* A monthly schedule which contains an estimate of the total number of participants who will be enrolled in Title VI programs at the end of each month, and the total cumulative expenditures expected to have been incurred by the end of each month by the PSE and non-PSE programs.

(f) *Public Service Employment Occupational Summary.* A Public Service Employment Occupational Summary which includes a listing by employing agency of proposed public service employment positions and wages and a comparison of such wages with those paid persons in similar unsubsidized jobs.

§ 678.7 Wages and wage supplementation.

(a) Wages paid to public service employment participants and the supplementation of such wages shall be in accordance with § 676.26–1(c) (sec. 608).

(b) Wages paid to public service employees hired on or after January 26, 1979 under this Part may be supplemented by additional wages from non-CETA sources only if:

(1) The total amount of funds used in any fiscal year to provide such supplemented wages does not exceed an amount equal to 10 percent of the prime sponsor's Title VI allocation for such fiscal year; and

(2) The wage supplementation to any public service employee is not at a rate which exceeds:

(i) Ten percent of the maximum wage applicable for the prime sponsor's area; or

(ii) Twenty percent of the maximum wage applicable for the prime sponsor's area in any area where the average wage rate (during the period for which the most recent data is available) in employment covered under Federal or State unemployment compensation laws (without regard to any limitation on the amount of such wages subject to contribution under such law) exceeds 125 percent, but does not exceed 150 percent, of the national average wage rate in such employment.

(c) Any public service employee hired between September 30, 1978, and January 26, 1979, receiving wages

supplemented from non-CETA sources may continue to receive such wage after January 26, 1979, only if such supplementation is in accordance with the provisions in paragraph (b) above.

(d) Any PSE participant who was on September 30, 1978, receiving wages from non-CETA sources may continue to receive such wages, any may receive any subsequent increase which is either a bona fide cost of living increase or a scheduled raise, so long as the participant remains in the same position or a PSE position with the same or lower wage rate. These wages are not subject to the limitations of, nor counted in determining compliance with, paragraph (b) of this section. However, the non-CETA portion shall not be reduced if the maximum wage rate has been adjusted above $10,000 after September 30, 1978, until the incumbent participant leaves this position or until the next prime sponsor budgetary cycle, whichever comes earlier (sec. 122(i)(3)(B)).

(e) Any PSE participant who was receiving only CETA wages on September 30, 1978, at a rate less than $10,000 a year may have such wages supplemented above the $10,000 rate from non-CETA sources after September 30, 1978, if such increase is the result of a bona-fide cost of living increase or a scheduled raise, and the person remains in the same position. These wages are not subject to the limitations of, nor counted in determining compliance with, paragraph (b) above.

(f) When a public service employment participant, hired after September 30, 1978, is eligible for a promotion, a general salary increase or overtime pay, the employer shall pay from non-CETA funding sources that amount in excess of the maximum amount payable from CETA funds as well as a prorata share of the increased fringe benefits, unless such payments would be in violation of the limitations on public service wage supplementation contained in paragraph (b) above. If such payment would be in violation, then the participants affected must be transferred to other positions or be terminated.

§ 678.8 Special cost provisions.

(a) In accordance with § 678.3(a), prime sponsors shall use at least fifty percent of the funds received under this Part for public service jobs in projects.

(b)(1) Of the funds utilized by prime sponsors for project and non-project public service employment programs:

(i) At least 80 percent shall be expended for wages and fringe benefits (sec. 603(a));

(ii) At least 10 percent of such funds available for expenditure between April 1, 1979, and September 30, 1979, and at least 5 percent of such funds for all subsequent fiscal years, shall be expended for training and services to PSE participants employed in public service jobs under this Part (sec. 603(a));

(iii) Not more than 10 percent of such funds for fiscal year 1979, and not more than 15 percent for subsequent fiscal years, may be contributed to the administrative cost pool (sec. 603(a)).

(2) Wages, a proportional share of fringe benefits, and allowances paid to PSE participants for the period of their training or services may be counted towards the percentage amounts that are required to be used for such training or services. Records of these wages, fringe benefits, and allowances shall be maintained separately by the prime sponsor to be available for audit.

(c) Funds under Title VI may be utilized by prime sponsors for activities authorized under Title II, Part A of Title III, Title IV and Title VII for eligible persons not in PSE (sec. 610). Not more than 20 percent of the funds utilized for such activities may be contributed to the administrative cost pool.

(d) Unless otherwise agreed to, at least 50 percent of the amount available for administration of the program shall be available to program agents for adminstrative costs.

PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

679.1 Scope and purpose.
679.2 Participant eligibility.
679.3 Private Industry Councils (PIC's).
679.3–1 Purpose.
679.3–2 Appointment of PIC members.
679.3–3 Chairperson.
679.3–4 Organization of positions.
679.3–5 Staff.
679.3–6 Multijurisdictional PICs.
679.3–7 Functions of the PIC.
679.3–8 Accountability.
679.3–9 Conflict of interest.
679.4 Allocation of funds.
679.5 Annual plan subpart.
679.6 Administrative standards and procedures.
679.7 Allowable activities.

Authority.—Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., P.L. 95–524 92 Stat. 1907), unless otherwise noted.

§ 679.1 Scope and purpose.

This Part contains the regulations for activities under Title VII of the Act, known as the Private Sector Initiative Program.

(a) Title VII of the Act is a demonstration Title. It authorizes a variety of approaches to increase the involvement of the business community in employment and training activities under the Act.

(b) Title VII is designed to increase private sector employment and training opportunities for persons eligible under this Part.

(c) As a primary vehicle to assist prime sponsors in meeting these goals, Title VII provides for the establishment of Private Industry Councils (PIC's) which are to participate jointly with the prime sponsor in the local development and implementation of programs under this Part, and to consult with the prime sponsor on other employment and training activities. Title VII encourages the formulation of a local partnership between the private sector and the prime sponsor in order to meet its purposes.

(d) The ultimate goal of Title VII is to increase private sector employment and training opportunities under all Titles of the Act, commensurate with reduced emphasis on public and private nonprofit subsidized employment.

(e) An important thrust of the Act is to provide for maximum feasible coordination of programs under the Act with related functions supported by the Department and by other Federal, State and local agencies. Accordingly, PIC's formed by prime sponsors to assist in Title VII implementation are encouraged to work with Job Service Improvement Program (JSIP) employer committees, the Bureau of Apprenticeship and Training, and State Apprenticeship Councils, as well as the Economic Development Adminstration, Small Business Administration, Community Services Administration, and U.S. Department of Housing and Urban Development, among others, in order to increase the effectiveness of programs under this Part and under the Act in securing employment for economically disadvantaged persons (sec. 701).

(f) This Part, in conjunction with Parts 675 through 677, Subpart B, comprise the regulations for Title VII of the Act.

§ 679.2 Participant eligibility.

To participate in programs described in this Part, a person shall be:

(a) Economically disadvantaged; and

(b) Unemployed, underemployed, or in school (sec. 701).

§ 679.3 Private Industry Councils (PIC's).

§ 679.3–1 Purpose.

(a) To receive financial assistance under this Part, each prime sponsor shall

establish a Private Industry Council (PIC). Its purpose shall be to increase the involvement of the business community, including small business, minority business enterprises, and labor organizations in employment and training activities under the Act, and to increase private sector employment opportunities for economically disadvantaged persons (secs. 701 and 704(a)(1)).

(b) Given the diversity of local circumstances and the differing environments in which PIC's will operate, the structure, level of activity, and composition of PIC's may vary considerably from one prime sponsor jurisdiction to another.

(c) Generally, meetings of the PIC shall be open and accessible to the general public, and minutes shall be maintained.

§ 679.3–2 Appointment of PIC members.

Each prime sponsor shall appoint the members of the PIC (sec. 704).

(a) *General.* (1) A majority of the PIC membership shall be representatives of industry and business (including small business and minority business enterprises). The PIC shall also include members representing organized labor, community-based organizations, and educational agencies and institutions.

(2) Existing local councils or committees may be designated or adapted to serve as the PIC (sec. 704(a)).

(3) The prime sponsor shall make ultimate decisions regarding the membership of the PIC after soliciting and considering the recommendations of the business and industrial community. Additionally, the prime sponsor should consult with labor organizations, community-based organizations, educational agencies and institutions, the appropriate apprenticeship agency, the State employment security agency (SESA), and women's organizations, existing councils and committees, and other organizations expressing an interest in the Title VII program (sec. 704(a)).

(4) In prime sponsor jurisdictions in which a National Alliance of Business (NAB) metro organization exists, it should be given consideration in the establishment of the PIC.

(5) Nothing in this section is meant to give a presumptive role to any particular organization in the establishment of the PIC (sec. 704(d)).

(b) *Business and industry members.* (1) The prime sponsor shall make every effort to recruit business and industry members for the PIC who will be representative of the private for profit employment community in terms of the types of business represented, such as small businesses, minority-owned businesses, businesses owned by women and others reflective of the commercial and industrial makeup of the area (sec. 704(a)(1)).

(2) Where possible, at least half of the industry and business representatives shall be representatives from small business. For purposes of this requirement, "small business" means any private for profit enterprise employing five hundred or fewer employees (sec. 704(a) (1) and (2)).

(3) Minority business enterprises shall be represented on the PIC, at least consistent with their representation in the business community (sec. 704(a)(1)).

(4) Prime sponsors may consider either the residence of the prospective PIC member or the location of the business with which that person is associated in considering appointments to the PIC.

(c) *Other required members.* At least one representative of each of the following shall be included among the PIC membership:

(1) Organized labor. In appointing members from organized labor, the prime sponsor should consult State or central labor bodies, the Human Resources Development Institute (HRDI), appropriate apprenticeship agencies, and unions representing major occupations in the area.

(2) Community-based organizations that have demonstrated to the prime sponsor a record of effectiveness in their relationships with the business community.

(3) Educational agencies and institutions that have demonstrated to the prime sponsor a record of effectiveness in providing education or vocational training oriented toward the needs of the business community.

(d) *Other members.* Prime sponsors may also appoint to the PIC other members, such as representatives of persons eligible to participate in activities under this Part and representatives of organizations having unique relationships to both the CETA system and the private sector, such as SESA's and appropriate apprenticeship agencies (sec. 704(a)(1)).

§ 679.3–3 Chairperson.

(a) A chairperson pro tem from the business and industrial community should be appointed by the prime sponsor to assist in identifying potential members and in establishment of the PIC.

(b) Once established, the PIC shall have a permanent chairperson selected by the members of the PIC, who should be a representative of business and industry.

§ 679.3–4 Organizational position.

(a) The organizational position occupied by the PIC within the overall employment and training delivery system shall be determined by the prime sponsor in consultation with the PIC. Such position and relationship shall be designed to enable the PIC to carry out its responsibilities.

(b) To carry out its duties, the PIC should appoint subcommittees to deal with particular areas of concern and secure, either through its staff or other means, the expertise of persons in the private sector having knowledge of business practices and policies (sec. 704(c)).

(c) PIC relationship to the prime sponsor's planning council.

(1) The activities of the PIC shall be coordinated by the prime sponsor with those of the prime sponsor's planning council, and area planning bodies in the case of State prime sponsors. The planning council shall be consulted in the development of the Title VII program, and shall be afforded the opportunity to review and comment on the Title VII Annual Plan subpart (sec. 703(b)(4)).

(2) For purposes of Title VII, the PIC shall not be subordinate in its authority to the prime sponsor's planning council.

(3) The PIC chairperson (or designee) shall, at a minimum, serve as an ex officio, nonvoting member of the prime sponsor's planning council, and the chairperson (or designee) of the prime sponsor's planning council shall, at a minimum, serve as an ex officio, nonvoting member of the PIC. However, the prime sponsor may assign either chairperson the status of a full voting member on the respective councils (sec. 704(b)).

(d) Due to the unique nature of Balance-of-State organizational structures, such prime sponsors are authorized to develop alternate measures regarding the organization and structure of PIC's, such as PIC's covering sub-State planning areas, a single PIC for the entire prime sponsor jurisdiction with a decentralized staff, and other special arrangements.

§ 679.3–5 Staff.

The PIC shall be appropriately staffed, commensurate with its responsibilities. The staffing composition of the PIC shall be determined through mutual agreement between the PIC and the prime sponsor.

(a) When the PIC is a subgrantee or contractor of the prime sponsor, staff

shall be hired in a manner consistent with that status and with the terms of the PIC's subgrant or contract with the prime sponsor.

(b) If the PIC is other than a subgrantee or contractor, it shall be consulted by the prime sponsor on the matter of its staffing. To the extent possible, consistent with applicable personnel rules, the PIC should be party to decisions on staff selection or hiring.

§ 679.3–6 Multijurisdictional PIC's.

A PIC may be established to cover more than one prime sponsor area, pursuant to arrangements and agreements between the prime sponsors and the PIC.

(a) A PIC may be established to cover a multijurisdictional area with the affected prime sponsors submitting and reporting upon separate Title VII Annual Plan subparts.

(b) The above approach does not preclude other arrangements. Prime sponsors may propose alternatives as part of their Title VII Annual Plan Subpart. The RA may approve such arrangements after considering the desirability of the proposed arrangements in view of the purposes of Title VII and after reviewing their feasibility in terms of reporting and otherwise meeting Comprehensive Employment and Training Plan requirements of § 676.9, § 676.10 and § 676.11.

(c) Financial incentives shall be provided to prime sponsors establishing multijurisdictional PIC's that meet criteria discussed in § 679.4.(b)(2) (secs. 702(b) and 704(a)(1)).

§ 679.3–7 Functions of the PIC.

The prime sponsor and the Private Industry Council shall determine those functions that the PIC will perform, based upon local conditions, the interests of the private sector, and the needs of the community. Those functions include the following, among others:

(a) *General.* (1) The PIC shall serve as an intermediary to assist the local employment and training structure to become more responsive to the business community.

(2) The PIC shall serve as the business and industry contact point in the local employment and training system, to present the private sector's view and recommendations for making programs more responsive to local employment needs.

(3) The PIC shall advise and provide direction to the local employment and training system on ways to increase private sector job placements for persons eligible under this Part (secs. 701 and 704(c)).

(b) *Planning and coordination.* (1) The PIC shall, in conjunction with the prime sponsor, design and develop the Title VII program and subpart to the prime sponsor's Annual Plan (sec. 703(b)).

(2) In designing the plan, and on a continuing basis, the PIC shall analyze private sector job opportunities, including estimates by occupation, industry, and location. The analysis should survey employment demands in the private sector and training possibilities, such as apprenticeship, in order to develop projections of short and long range labor needs, and to refine employment and training programing so that it becomes increasingly responsive to private sector labor needs. In undertaking such analysis, the PIC should assess and utilize information contained in economic development plans for the area and currently available labor market information from sources already in place, such as the SESA and appropriate apprenticeship agencies (sec. 703(b)(3)).

(3) The PIC should, in conjunction with the prime sponsor, develop specific private sector employment and training projects.

(4) The PIC should, in conjunction with the prime sponsor, develop criteria for the types of occupations to be selected for the expenditure of training funds.

(5) The PIC should, in conjunction with the prime sponsor, develop standards and specifications for training in particular occupations.

(6) In designing the plan, the PIC and prime sponsor should, to the extent possible, ensure that the plan is consistent with plans, funding applications and grants for programs related to private sector employment and training which are funded by other Federal agencies. For planning purposes and to coordinate with activities under other Federal programs, the PIC and prime sponsor should where possible review and comment on such plans and funding applications, especially regarding ways in which they affect employment and training, including apprenticeship, in the private sector (including those of the Economic Development Administration, Department of Housing and Urban Development, Small Business Administration and Community Services Administration) (secs. 103(a)(20), 704(c) and 705(a)(4)).

(7) The PIC should consult with the prime sponsor and its planning council during the development of, and shall have the opportunity to review and comment on, other Annual Plan subparts under the Act (sec. 704(c)).

(c) *Operational functions.* (1) The PIC should actively solicit public and private support for and participation in the Private Sector Initiative Program and other programs and activities designed to increase private sector employment and training opportunities for persons who are economically disadvantaged.

(2) The prime sponsor may involve the PIC through arrangements and written agreements so that the PIC can carry out its responsibilities. In particular, the PIC should be involved with the SESA, Job Service Improvement Program (JSIP) Committees, local WIN sponsors and other private sector intermediaries in marketing and disseminating information on the Targeted Jobs Tax Credit, created by the Revenue Act of 1978 (P.L. 95–600), and the WIN Tax Credit.

(3) The prime sponsor and the PIC may decide that the PIC will administer and directly operate local private sector employment and training programs. Such an operational function could involve directly marketing on-the-job and other training agreements with private employers, developing training programs, entering into contracts with private firms, community-based organizations, educational agencies and institutions and SESA's and other related activities. Consistent with State and local law, PIC's may incorporate for these purposes.

(4) Organizations represented on the PIC may be directly involved in the operation of employment and training programs funded under this Part, consistent with the conflict of interest provisions of § 679.3–9.

(5) In accordance with § 676.38(b), the PIC may participate with the prime sponsor in developing criteria for the selection of any nongovernmental organization, association, firm or other entity for the conduct of programs or activities under this Part (secs. 121(o) and 704(c)).

(d) *Review and Assessment.* (1) The PIC shall participate with the prime sponsor in overseeing activities under this Part. Programs under this Part are subject to the prime sponsor's monitoring responsibilities (sec. 704(c)).

(2) The PIC may, in consultation with the prime sponsor, identify the factors to be addressed in an assessment of the effectiveness of activities under this Part.

(3) In consultation with existing groups, such as JSIP employer committees and prime sponsor's planning and youth councils, the PIC may examine the performance of the

local CETA and SESA delivery system to determine how to better meet the needs of business and industry and increase private sector employment opportunities for the economically disadvantaged, and advise the prime sponsor and the SESA of its observations and recommendations (sec. 704(c)).

(e) Nothing in this section is intended to limit the functions of the PIC, with respect to assisting the prime sponsor to improve the responsiveness of employment and training programs to employment opportunities in the private sector. The business community should be involved in determining the functions of the PIC so that these will be responsive to the needs and interests of business and industry.

§ 679.3–8 Accountability.

The Department holds the prime sponsor accountable for activities conducted and funds expended under this Part.

(a) The PIC, in working with the prime sponsor to develop activities under this Part, must recognize the prime sponsor's ultimate liability for all of the PIC's activities. The PIC and the prime sponsor are thus both responsible for program performance, and the Department in assessing the Title VII program will take both the prime sponsor's and the PIC's performance of functions into account.

(b) Where the PIC is a contractor or subgrantee of the prime sponsor, it is financially liable to the prime sponsor for funds received.

§ 679.3–9 Conflict of interest.

(a) Prime sponsors may provide broad administrative responsibility to the PIC, including the authority to enter into contracts and subgrants. However, contracts in excess of $10,000 between the PIC and any private organization with which a PIC member is associated as an officer, member or employee shall be subject to the final written approval of the prime sponsor, prior to execution of the contract or subgrant.

(b) The Conflict of Interest provisions of § 676.62 also apply to the PIC.

§ 679.4 Allocation of funds.

(a) *Prime sponsor basic allocations.* Ninety-five percent of funds available under Title VII of the Act shall be allocated to prime sponsors as provided in section 202(a) of the Act except that:

(1) In order to ensure that every prime sponsor receives an allocation of sufficient size to mount a viable program, a minimum allocation level may be established; and

(2) In the case of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Marianas, these shall be allocated the same percentage of Title VII funds as the percentage of Title II Parts A, B and C funds allocated to them.

(b) *Other allocations.* The remaining five percent of the funds shall be allocated in the following manner:

(1) *Assistance to Native American entities.* No less than two percent of the total funds available under Title VII of the Act will be used to support Title VII programs for Native American entities described in sections 302(c)(1) (A) and (B) of the Act.

(2) *Assistance to prime sponsors who establish a single Private Industry Council.* Additional funds shall be provided to prime sponsors who establish a single Private Industry Council that serves a substantial portion of a functioning labor market area, as determined by the Secretary. Included may be:

(i) An existing consortium covering a substantial portion of a functioning labor market area that qualifies for incentive funds under § 676.4(c);

(ii) Two or more prime sponsors establishing a PIC that serves at least 75% of a functioning labor market area; and

(iii) To the extent that funding is available, other combinations of prime sponsors forming a single PIC (sec. 702(b)).

(c) Funds may be reallocated pursuant to the provisions of § 676.47 (sec. 108).

§ 679.5 Annual plan subpart.

(a) *General.* To receive financial assistance under this Part, a prime sponsor shall submit the following information, which will become part of the Annual Plan as described in § 676.11. This subpart shall consist of a Narrative Description, Statement of Concurrence, Program Planning Summary, and Budget Information Summary, specific to Title VII (sec. 103(b)).

(b) The prime sponsor shall transmit a copy of the Title VII Annual Plan subpart to the prime sponsor's planning council, to appropriate labor organizations, community-based organizations, educational agencies and institutions, Overall Economic Development Program committees and to such other parties as are required by § 676.12(d). The comment and publication procedures of § 676.12 apply to this Part (secs. 703(b) (4) and (5)).

(c) The Annual Plan subpart shall have the concurrence of both the PIC and the prime sponsor in order to be approved. Therefore, a Statement of Concurrence shall be submitted, signifying the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan subpart.

(d) *Narrative Description.* The narrative description shall include:

(1) *Objectives and need for assistance.* (i) State the objectives and need for funding under this Part, including an identification of private sector occupations where there are labor shortages.

(ii) Analyze the eligible population by race, sex, national origin and age, and present the planned levels of service to be provided these significant segments in terms of the percent each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and benefits.* Provide a statement on:

(i) Specific quantified performance and placement goals, by program activity.

(ii) Any performance and placement goals with respect to groups designated to be served (sec. 103(b)(4)).

(iii) Explain any variation between such performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)).

(iv) Any nonquantifiable goals or outcomes.

(3) *Approach.* Provide a description of:

(i) The specific activities to be conducted, and how these activities will be integrated with other training and placement activities under the Act (sec. 703(a)).

(ii) The procedures and standards to be used for the selection of occupations in which training is to be provided.

(iii) The system that will be used to review and assess the success of activities, including a description of the role of the PIC.

(4) *Private Industry Council (PIC).* Provide the following:

(i) The responsibilities assumed and the functions to be performed by the Private Industry Council in the planning, operation and review of programs.

(ii) A list of the PIC membership indicating representation from among those membership categories identified in § 679.3–2.

(iii) Staffing arrangements for support of the PIC agreed upon by the PIC and the prime sponsor.

(iv) A description of procedures established to ensure periodic consultation and coordination of activity

between the PIC and the prime sponsor's planning council and other appropriate agencies in the labor market area.

(v) For multijurisdictional PIC's (except for existing consortia) identify the geographic area to be served, the prime sponsors participating, administrative and programmatic relationships between the PIC and the participating prime sponsors and the functions to be performed by each. A copy of the written agreement cited in § 679.3–6 must be included as an attachment to the Annual Plan Subpart.

(e) *Statement of Concurrence.* This statement documents the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan Subpart.

(f) *Program Planning Summary (PPS).* The PPS reflects the goals, objectives and activities planned under Title VII for the program year.

(g) *Budget Information Summary (BIS).* The BIS contains the planned budget under Title VII for the program year.

§ 679.6 Administrative standards and procedures.

(a) *General.* The General Provisions of § 676 shall apply except as otherwise indicated.

(b) *Allowable costs and cost allocation.* The provisions of § 676.40 and § 676.41 shall apply to programs under Title VII except as follows:

(1) *Employment generating services.*

(i) For programs funded under Title VII only, costs for activities which are not directly related to the immediate provision of training or employment for participants but which are intended to result in the creation or expansion of employment opportunities for persons eligible under this Part may be classified as employment generating services and charged to the "Services" cost category. Examples are:

(A) Those items enumerated in paragraphs (b) (1), (2), (3), (4), (6), (7), (9), (10), (12), (13), (14) and (15) of § 679.7, Allowable Activities.

(B) The costs for the salaries and fringe benefits of labor market and program analysts, for consultants under contract for employment generating services, and for technical assistance to contractors and subgrantees.

(ii) While such activities are allowable and desirable under Title VII, no more than 30 percent of a prime sponsor's Title VII funds may be used for employment generating services.

(iii) The program activity against which the costs for employment generating services are to be allocated is "Other Activities."

(iv) No costs attributable to the general administration of the Title VII program shall be charged to the "Services" cost category.

(2) *Administrative costs.* (i) For purposes of Title VII, administrative costs are those costs which fall within the category of administration as defined in § 676.41–1(f), exclusive of employment generating services.

(ii) The total amount of funds expended for administration by all prime sponsors in carrying out programs under this Part shall not exceed 20 percent of the total expenditures for all prime sponsor Title VII programs. Each prime sponsor and PIC must make every effort to limit administrative costs to only those that are necessary to assure the effective operation of programs under this Part. If the prime sponsor and PIC determine that more than 20 percent is necessary to operate the planned program, a higher amount may be requested by providing a satisfactory explanation of the need for such amount in the Title VII Annual Plan Subpart. The special needs of urban and rural areas and other relevant factors shall be considered by the RA in reviewing requests for administrative costs in excess of 20 percent (sec. 705(b)).

(iii) It is recognized that startup and initial implementation of programs under this Part may require administrative expenditures greater than those necessary for the operation of established program. Thus, it should subsequently become possible for administrative costs to be reduced such that they are brought to a more appropriate level of 10 percent. Prime sponsors and PIC's should therefore plan to reduce administrative costs after startup and initial implementation.

(3) Payments to private-for-profit employers through methods not specifically authorized under Parts 676 through 677, Subpart B shall not be allowable unless and until the method of payment is explained in advance and authorization for its use is specifically granted. Prime sponsors shall transmit to the RA requests to permit such new payment methods. The RA shall transmit such requests, with comments and recommendations, to the Assistant Secretary for Employment and Training. Action on a request shall be taken within 60 days after the prime sponsor's submission of the request to the RA. Nothing in this paragraph authorizes wage subsidies (sec. 703(c)).

§ 679.7 Allowable activities.

Funds under this Part shall be used to augment private sector-related activities under Part 677, including on-the-job training with private employers (sec. 703(b)(2)). Funds shall be used to provide employment and training and related activities consistent with the purposes of Title VII including:

(a) Activities and services authorized in § 677.13, and

(b) The following:

(1) Coordinating programs of jobs and training and education enabling individuals to work for a private employer while attending an education or training program;

(2) Developing a small business intern program to provide practical training enabling youths and other individuals to work in small business firms to acquire first-hand knowledge and management experience about small business;

(3) Developing relationships between employment and training programs, educational institutions, and the private sector;

(4) Developing useful methods for collecting information about Federal Government procurement contracts with private employers, new and planned publicly supported projects such as public works, economic development and community development programs, transportation revitalization, alternative energy technology development, demonstration, and utilization projects, energy conservation projects, and rehabilitation of low-income housing as part of a community revitalization or stabilization effort, which provide work through private sector contractors;

(5) Conducting innovative cooperative education programs for youths in secondary and postsecondary schools designed to coordinate educational programs with work in the private sector;

(6) Developing and marketing model contracts designed to reduce the administrative burden on the employer and model contracts to meet the needs of specific occupations and industries;

(7) Coordinating programs under this Part with other job development, placement, and employment and training activities carried out by public and private agencies;

(8) Providing on-the-job training subsidies on a declining ratio to wages over the period of training;

(9) Providing followup services with employees placed in private employment and employers who hire recipients of services under the Act;

(10) Encouraging employers to develop job skill requirement forecasts and to coordinate such forecasts with prime sponsors;

(11) Using direct contracts for training and employment programs with private

for profit and private nonprofit organizations;

(12) Developing apprenticeship or comparable high-skill training programs for workers regardless of age in occupations where such programs do not presently exist in the area;

(13) Increasing opportunities for upgrading from entry level jobs by providing counseling and other services to employees and employers beyond initial training periods;

(14) Providing technical assistance to private employers to reduce the administrative burden of employment and training programs;

(15) Disseminating information to private employers so that they may more fully utilize programs under the Act; and

(16) Other program activities which demonstrate effective approaches to the training and employment of persons eligible to participate in programs under this Part (sec. 705(a)).

Signed at Washington, D.C., the 29th day of March 1979.

Ray Marshall,

Secretary of Labor.

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