AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.42—No.223
11–18–77

PAGES
59487–59746

federal register

FRIDAY, NOVEMBER 18, 1977

highlights

SUNSHINE ACT MEETINGS 59585

IMPROVING GOVERNMENT REGULATIONS
Proposed Executive order outlining Administration plans for improving the Federal regulatory process; comments by 12–18–77 (Part X of this issue) 59540

HEW REGULATORY REFORM
HEW announces its intent to revise present regulations and to improve procedures for developing new regulations; comments by 2–16–78 59555

BABY RATTLES
CPSC proposes mandatory safety requirements; comments by 12–19–77 59511

FEDERAL EMPLOYEES' SAFETY AND HEALTH
Labor/OSHA issues detailed guidelines for establishing Field Federal Safety and Health Councils; effective 11–18–77 59496

RESIDENTIAL THERMAL INSULATION MATERIALS
FTC proposes labeling and advertising standards; comments by 1–13–78; hearings 2–13–78 (Part VII of this issue) 59678

IRON IN BREAD
HEW/FDA proposes restoration of former provisions and withdraws provisions for increased levels, exceptions by 1–17–78 59513

FOOD ADDITIVES
HEW/FDA provides for safe use of additional reactants in the manufacture of polyurethane resins intended for use in food-packaging adhesives; effective 11–18–77; objections by 12–19–77 59495
HEW/FDA provides for safe use of an antioxidant and/or stabilizer in adhesives and rubber articles intended for repeated use; effective 11–18–77; objections by 12–19–77 59496

DEXTRANS
HEW/FDA proposes affirmation of GRAS status as indirect human food ingredients and deletion of GRAS status as direct human food ingredients; comments by 1–17–78 59518

CONTROLLED DRUGS
Justice/DEA publishes final 1977 revised aggregate production quota for Oxycodone for conversion; effective 11–18–77 59561

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

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

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

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

Note: As of Nov. 3, 1977, Food Safety and Quality Service (USDA) documents are being assigned to the Tuesday/Friday schedule.

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

federal register
Area Code 202 Phone 523-5240

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

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

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

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

INFORMATION AND ASSISTANCE

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

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	**202**–783–3238
Subscription problems (GPO)	**202**–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–3187
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227
PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5286
Weekly Compilation of Presidential Documents.	523–5284
Public Papers of the Presidents	523–5285
Index	523–5285
PUBLIC LAWS:	
Public Law dates and numbers	523–5266
	523–5282
Slip Laws	523–5266
	523–5282
U.S. Statutes at Large	523–5266
	523–5282
Index	523–5266
	523–5282
U.S. Government Manual	523–5287
Automation	523–5240
Special Projects	523–4534

HIGHLIGHTS—Continued

VIRUSES, SERUMS, TOXINS AND ANALOGOUS PRODUCTS
USDA/APHIS amends certain test requirements; effective 12–19–77 **59487**
USDA/APHIS proposes changes in certain test requirements and procedures (2 documents); comments by 12–19–77 and 1–17–78 **59509, 59510**

PESTICIDES
EPA establishes a temporary tolerance for 3,5–dimethyl-4–(methylthio)phenyl methylcarbamate **59548**

GRANTS FOR BLIND AND DISABLED CHILDREN
HEW/HSA publishes limits on amounts applicable to states for FY 1978 (Part II of this issue) **59639**

INDIAN HEALTH CARE IMPROVEMENT
HEW prescribes program requirements; effective 11–18–77 (Part III of this issue) **59642**

GENERAL INTERNAL MEDICINE OR GENERAL PEDIATRICS
HEW/PHS establishes requirements for grants for residency training; effective 11–18–77; comments by 1–17–78 **59500**

CORN, GRAIN SORGHUMS, AND BARLEY
USDA determines 1978 crop acreages and set-aside levels; effective 11–15–77 **59523**

BURLEY TOBACCO
USDA/CCC publishes schedule of grade loan rates for 1977 crop; effective 11–18–77 **59507**

NATIONAL FORESTS AND GRASSLANDS
USDA/FS publishes inventory of roadless and undeveloped areas (Part VIII of this issue) **59688**

COMMUNITY DEVELOPMENT BLOCK GRANTS
HUD/CPD proposes revision of discretionary grant program for small cities; comments by 12–19–77 (Part IV of this issue) **59654**

MORTGAGE INSURANCE AND LOAN PROGRAM
HUD/FHC amends its requirements for housing located near military installations; effective 11–17–77 (Part VI of this issue, 1st of 2 documents) **59674**
HUD/FHC amends requirements for construction of hospitals, nursing homes, and intermediate care facilities; effective 11–17–77 (Part VI of this issue, 2nd of 2 documents) **59676**

U.S.-CANADIAN RAILWAY TRAFFIC
ICC issues declaratory order on rate dispute **59503**

MANDATORY PETROLEUM ALLOCATION
DOE/ERA reinstitutes special set-aside procedures for middle distillates; effective 11–15–77 **59488**

MOTOR VEHICLE FUEL ECONOMY
DOE/ERA announces availability of 1978 gas mileage guide **59546**

HELIUM PRICE LIST
Interior/Mines revises prices for helium and rental containers; effective 1–1–78 (Part V of this issue) **59670**

ENTRY OF ALIENS INTO THE U.S.
Justice/INS implements presidential documents on readmission of aliens who have violated selective service rules **59562**

GOVERNMENT IN THE SUNSHINE
FDIC amends rules governing public observation of meetings; effective 12–19–77 **59493**

PRIVACY ACT

HUD adopts a system of records; effective 12–19–77 59558

MEETINGS—

DOD/AF: Scientific Advisory Board Ad Hoc Committee on Defensive Chemical Systems, 12–12–77 59546
DOE: Solar Working Group, 12–9 and 12–10–77 59547
EPA: Management Advisory Group to the Municipal Construction Division, 12–5 and 12–6–77 59547
HEW/ADAMHA: Minority Advisory Committee, 12–7 thru 12–9–77 59552
FDA: Advisory committees, 12–1, 12–2, 12–12 and 12–13–77 59553
NIH: National Diabetes Advisory Board Executive Committee, 12–20–77 59555
ICC: Informal conference on motor transportation of property and passengers incidental to transportation by aircraft, 12–14–77 59522
Labor/OSHA: Federal Advisory Council on Occupational Safety and Health, 12–13–77 59571
National Advisory Council on Extension and Continuing Education, 12–14 thru 12–16–77 59573
NFAH/NEH: Education Programs Panel, 12–12 and 12–13–77, and 12–14 and 12–15–77 (2 documents) 59574
NRC: Advisory Committee on Reactor Safeguards, Subcommittee on D. C. Cook Nuclear Plant, 12–3–77 59575
SBA: Region V Detroit Advisory Council, 12–13–77 59579
Science and Technology Policy Office: Working Group on Basic Research in the Department of Energy, 12–5 and 12–6–77 59575
State/AID: Board for International Food and Agricultural Development, 12–12–77 59579
Board for International Food and Agricultural Development, Joint Committee on Agricultural Development, 12–13 and 12–14–77 59580
Board for International Food and Agricultural Development, Joint Research Committee, 12–6 and 12–7–77 59580

HEARINGS—

National Advisory Council on Extension and Continuing Education: policies and procedures, 12–14–77 59573

SEPARATE PARTS OF THIS ISSUE

Part II, HEW/HSA 59639
Part III, HEW/Secy 59642
Part IV, HUD/CPD 59654
Part V, Interior/Mines 59670
Part VI, HUD/FHC 59674
Part VII, FTC 59678
Part VIII, USDA/FS 59688
Part IX, Labor/ESA 59718
Part X, The President 59740

contents

THE PRESIDENT

Proposed Executive Order

Government regulations; improvement ---------- 59740

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Meetings:
- International Food and Agricultural Development Board (3 documents) ---------- 59579, 59580

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Ariz and Calif -- 59508

Proposed Rules

Dates (domestic) produced in Calif ---------- 59509

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Forest Service; Rural Electrification Administration.

Notices

Feed grains; 1978 National allotment and set-aside program determinations ---------- 59523

AIR FORCE DEPARTMENT

Notices

Meetings:
- Scientific Advisory Board, Ad Hoc Committee on Defensive Chemical Systems---------- 59546

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Meetings:
- Advisory Committees; December ---------- 59552

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Viruses, serums, toxins, etc.:
- Potency test requirements for products with salmonella typhimurium bacterin and pasteurella multocida bacterin ---------- 59487

Proposed Rules

Viruses, serums, toxins, etc.:
- Master Seed Virus; detection of extraneous viruses---------- 59510
- Pathogens, chicken inoculation test for---------- 59509

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
- Studiengesellschaft Kohle m.b.H. et al---------- 59561

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
- Education Programs Panel (2 documents) ---------- 59574

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1978; additions and deletions (2 documents) --- 59543

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Piedmont Aviation, Inc------- 59524
- Transcontinental Low - Fare Route Proceeding, et al----- 59525

CIVIL SERVICE COMMISSION

Rules

Excepted service:
- Energy Department---------- 59506
- Export-Import Bank of United States ---------- 59506
- Housing and Urban Development Department---------- 59506
- Labor Department (2 documents) ---------- 59506
- Transportation Department (2 documents) ---------- 59507
- Treasury Department--------- 59507
- Water Resources Council------ 59507

Notices

Noncareer executive assignments:
- Federal Energy Administration- 59528
- Small Business Administration- 59528

Privacy Act; systems of records-- 59528

COMMERCE DEPARTMENT

See Economic Development Administration; National Bureau of Standards.

COMMODITY CREDIT CORPORATION

Rules

Loan and purchase programs:
- Tobacco, burley---------- 59507

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

Proposed Rules

Community development block grants:
- Small Cities Program---------- 59654

COMMUNITY SERVICES ADMINISTRATION

Rules

Personnel management, grantee:
- Travel charges, out-of-State; restrictions ---------- 59504

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Rules

Baby rattles; safety requirements- 59511

CUSTOMS SERVICE

Notices

Generalized system of preferences; duty-free entry of certain merchandise from designated developing countries:
- Atrazine, technical, from Israel- 59580

DEFENSE DEPARTMENT

See Air Force Department.

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:
- Davis, Irving, M.D---------- 59562

Schedules of controlled substances; production quotas:
- Oxycodone ---------- 59561
- Hoffmann LaRoche Inc-------- 59562

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
- Carnivale Bag Co---------- 59529
- Jacobs, A., & Sons, Co., Inc---- 59529
- Reider Shoe Manufacturing Co., Inc ---------- 59529

ECONOMIC REGULATORY ADMINISTRATION

Rules

Petroleum allocation regulations, mandatory:
- Distillates, middle; special set-aside procedures---------- 59488

Petroleum price regulations, mandatory:
- Crude oil, lower and upper tier; resumption of adjustments for inflation; correction------ 59490

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications- 59563

Unemployment compensation, emergency:
- Federal supplemental or extended benefits; "on" and "off" indicators; various States ---------- 59563

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions---------- 59718

ENERGY DEPARTMENT

See Economic Regulatory Administration.

Notices

Gas Mileage Guide, 1978; availability ---------- 59546

Meetings:
- Solar Working Group--------- 59547

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans:
- Prevention of significant air quality deterioration (PSD); areas cleaner than minimum national standards; correction ... 59500

Proposed Rules

Air quality implementation plans:
- Prevention of significant air quality deterioration (PSD); correction ... 59522

Air quality implementation plans; preparation, adoption, and submittal:
- Prevention of significant air quality deterioration (PSD); correction ... 59522

Noise abatement programs:
- Transportation equipment; truck-mounted solid waste compactors; correction ... 59521

Notices

Meetings:
- Municipal Construction Division Management Advisory Group ... 59547

Pesticide applicator certification and interim certification; State plans:
- Wyoming ... 59548

Pesticide chemicals; tolerances, exemptions, etc.; petitions:
- Mobey Chemical Corp ... 59548

Pesticide programs:
- Dimethoate; extension of time ... 59548

Pesticides; specific exemptions and experimental use permits:
- Agriculture Department ... 59549
- Chevron Chemical Co. et al ... 59547

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental statements; availability, etc ... 59543

Environmental statements; transfer to EPA ... 59543

EXTENSION AND CONTINUING EDUCATION, NATIONAL ADVISORY COUNCIL

Notices

Meetings ... 59573

Postsecondary education institutions resources, use for State and community problems; hearing ... 59573

FEDERAL COMMUNICATIONS COMMISSION

Notices

Canada-U.S. FM agreement (1947); Table A amendment ... 59550

Satellite communications services; applications accepted for filing ... 59550

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Practice and procedure:
- Suspensions and prohibitions where felony charges; procedures and standards ... 59491

Sunshine Act; implementation ... 59493

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster and emergency areas:
- Missouri ... 59559

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Rules

Mortgage and loan insurance programs:
- Eligibility of mortgages near military installations ... 59674
- Hospitals, nursing homes and intermediate care facilities; State certification of need ... 59676

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
- Palatine Bancorporation, Inc ... 59551
- Paola Citizens Bancshares, Inc ... 59551

FEDERAL TRADE COMMISSION

Rules

Procedures and practice rules:
- Nonadjudicative procedures; subpoenas in investigations; correction ... 59494

Prohibited trade practices:
- Franwart Distributors, Inc., et al ... 59494

Proposed Rules

Insulation materials, residential thermal; labeling and advertising ... 59678

FISH AND WILDLIFE SERVICE

Notices

Endangered and threatened species permits; applications (6 documents) ... 59559–59560

FOOD AND DRUG ADMINISTRATION

Rules

Food additives:
- Antioxidants and/or stabilizers for use in adhesives and rubber articles ... 59496
- Polyurethane resins for use in adhesives ... 59495

Proposed Rules

Bakery and cereal and flour products:
- Iron fortification ... 59513

GRAS or prior-sanctioned ingredients:
- Dextrans (average molecular weight below 100,000) ... 59518

Notices

Meetings:
- Advisory committees, panels, etc ... 59553

Tomato juice concentrate; identity standard; temporary permit for market testing ... 59554

FOREST SERVICE

Notices

Roadless Area Review and Evaluation (RARE II), inventory list ... 59688

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc. (CAB, CPSC, FTC, NRC) ... 59551

GENERAL SERVICES ADMINISTRATION

Notices

President's Reorganization Project, Administrative Services ... 59552

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Health Care Financing Administration; Health Services Administration; National Institutes of Health; Public Health Service.

Rules

Indian health:
- Health professions recruitment and scholarship grant programs, etc ... 59643

Procurement:
- Buy Indian Act; Indian preference in training and employment ... 59642

Notices

Regulatory policies; review, revision and development of regulations ... 59555

HEALTH CARE FINANCING ADMINISTRATION

Notices

Professional Standards Review Organizations; nominations, designations, etc.:
- California ... 59554
- Minnesota ... 59554

HEALTH SERVICES ADMINISTRATION

Notices

Blind and disabled children, grants for; listing of amounts available to States ... 59639

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary; Federal Disaster Assistance Administration; Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Notices

Authority delegations:
- Federal Housing Commissioner—Assistant Secretary for Housing ... 59559

Privacy Act; systems of records ... 59558

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rules

Immigration regulations:
- Alien deportability; voluntary departure prior to commencement of hearing; extension of time ... 59509

Notices

Military Service Act violations; Presidential Executive Order and Proclamation on pardon implemented, inadmissible aliens 59562

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Mines Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Notices

Authority delegations:
- Assistant Commissioner (Data Services) et al.; information disclosure to child support enforcement agencies 59581

Employee benefit plans:
- Prohibitions on transactions, exemption proceedings, applications, hearings, etc 59571

INTERNATIONAL TRADE COMMISSION

Notices

Generalized System of Preferences; eligible articles; list; hearing 59561

INTERSTATE COMMERCE COMMISSION

Rules

Freight forwarders:
- Export traffic authorized to operate to Atlantic or Gulf coast or Canada; extension of time 59503

Railroad car service orders; various companies:
- Erie Western Railway Co 59503

Proposed Rules

Freight forwarders and motor carriers:
- Exemptions; aircraft transportation, motor transportation incidental to; conference 59522

Notices

Fourth section applications for relief 59531

Hearing assignments (2 documents) 59529, 59530

Motor carriers:
- Temporary authority applications (2 documents) 59531, 59536
- Transfer proceedings 59531

Petitions filing:
- Baker, H. J., & Bros., Inc 59541

Purchase, control, consolidation, lease or merger procedure applications under section 5 (2) and (3):
- Norfolk & Western Railway Co. et al 59542

Rerouting of traffic:
- Grand Trunk Western Railroad Co 59531

JUSTICE DEPARTMENT

See Antitrust Division, Justice Department; Drug Enforcement Administration; Immigration and Naturalization Service.

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration.

Notices

Adjustment assistance:
- Alan Garment Corp 59565
- Anderson Development et al 59568
- Arrow Shirt Co. et al 59581
- Bethlehem Steel Co 59566
- Bootmakers of Sturgeon Bay et al 59584
- Cabaret, Inc 59567
- Clayton Shoe Co 59565
- Damsel Sportswear Co 59567
- Gulf & Western Elco Corp 59568
- Harbour Casuals, Inc 59568
- Hi Style Fashions Co., Inc 59569
- Uxbridge Knitting Mills 59569
- Youngstown Sheet & Tube Co 59570

MINES BUREAU

Rules

Helium sales and rental of containers, fee schedule 59670

NATIONAL BUREAU OF STANDARDS

Notices

Voluntary product standards:
- Chain-link fencing; steel galvanized and aluminum alloy; withdrawn 59529

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
- Diabetes National Advisory Board 59555

NATIONAL PARK SERVICE

Notices

Historic Places National Register; additions, deletions, etc 59560

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
- Reactor Safeguards Advisory Committee 59575

Applications, etc.:
- Public Interest Research Group et al 59574

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Federal employees health and safety:
- Field Federal Safety and Health Councils 59496

Notices

Meetings:
- Occupational Safety and Health Federal Advisory Council 59571

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Notices

Employee benefit plans:
- Prohibitions on transactions, exemption proceedings, applications, hearings, etc 59571

PUBLIC HEALTH SERVICE

Rules

Grants:
- Health research facilities construction, etc.; internal medicine or pediatrics residency training 59500

Notices

Grants:
- Foreign medical U.S. citizen student training; applications 59583
- Physician assistants training programs; applications 59583

Health professions capitation grant program; eligibility of medical schools 59582

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Loan guarantees proposed:
- South Texas Electric Cooperative, Inc 59523

SCIENCE AND TECHNOLOGY POLICY OFFICE

Notices

Meetings:
- Basic Research Working Group in Energy Department 59575

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
- Boston Stock Exchange Clearing Corp 59575
- Midwest Stock Exchange, Inc 59577
- Municipal Securities Rulemaking Board 59577
- Options Clearing Corp 59578
- Pacific Stock Exchange, Inc 59578

Hearings, etc.:
- Emer-Go Corp 59576

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
- Commercial Investment Resources, Inc 59579
- Southern Investment Funding Corp., Inc 59579

Meetings, advisory councils:
- Detroit District 59579

STATE DEPARTMENT

Notices

See Agency for International Development.

TREASURY DEPARTMENT

See also Customs Service; Internal Revenue Service.

Notices

Boycotts, international:
- Guidelines; effective dates revised 59582

CUMULATIVE LIST OF PARTS AFFECTED DURING NOVEMBER

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

1 CFR

Ch. I 57115

PROPOSED RULES:

461 57463

3 CFR

PROCLAMATIONS:

4434 (Amended by Proc. 4539) 59039
4463 (Amended by Proc. 4539) 59039
4466 (Amended by Proc. 4539) 59039
4535 58397
4536 58729
4537 59035
4538 59037
4539 59039
4540 59261

EXECUTIVE ORDERS:

10631 (Amended by EO 12017) 57941
11476 (Amended by EO 12018) 57943
11835 (See EO 12018) 57945
12016 57297
12017 57941
12018 57943
12019 57945
12020 58509

PROPOSED EXECUTIVE ORDERS:

November 17, 1977 59740

MEMORANDUMS:

August 27, 1976 (Supplemented by Memorandum of November 5, 1977) 59363
November 19, 1976 (Supplemented by Memorandum of November 5, 1977) 59363
July 21, 1977 (Supplemented by Memorandum of November 5, 1977) 59363
November 5, 1977 59363
November 14, 1977 59365

5 CFR

213 (3 documents) 57115–57117, 57683, 58151, 58152, 58731, 59506, 59507

7 CFR

6 57117
12 57683
271 58152–58158
401 58929
406 57299
409 57299
654 58159
722 58731
726 58731
780 58162
905 ..... 57947, 59367
906 57299
907 59372
910 ..... 57684, 58733, 59508
915 58511
927 59041
929 58733
931 57117
944 57947
966 57445
971 ..... 58399, 59373
982 58733
984 57948
989 57683
1030 59041
1435 58734

7 CFR—Continued

1453 57948
1464 59507
1488 57949
1822 ..... 59042, 59052
1901 ..... 57118, 58736
1955 57684
2855 57300
2856 57301
2858 57301
2870 57301

PROPOSED RULES:

46 59088
272 57694
728 59089
725 57131
905 57694
929 58532
945 58951
987 59509
989 ..... 57131, 58759
1030 57319
1133 57466
1435 58759
1464 ..... 57319, 57466, 58414
1701 57694
1901 58532

8 CFR

PROPOSED RULES:

242 59509

9 CFR

73 57118
78 57118
92 57121
97 59062
113 59487
362 57121

PROPOSED RULES:

113 ..... 59509, 59510

10 CFR

210 ..... 57320, 57326
211 ..... 57320, 57326, 59488
212 ..... 57320, 57326, 59490

12 CFR

201 57302
213 58737
217 57950
226 58163
303 57685
308 59491–59493
311 59493
701 57685

PROPOSED RULES:

204 58760
213 58760
528 ..... 58182, 58953
531 58953
545 57131

13 CFR

317 57685

PROPOSED RULES:

120 58538

14 CFR

39 ..... 57445, 57951, 58511–58515, 58929 57951, 58511–58515, 58929, 59374–59377

14 CFR—Continued

71 ..... 57445, 57446, 57952, 58515, 58930, 58931, 59377
91 57446
95 57952
97 ..... 57448, 59377
152 59476
243 58902
248 59063
250 57326
288 58902
296 57326
378a 58515
399 58913
1245 57449

PROPOSED RULES:

21 ..... 59089, 59388
36 ..... 59089, 59388
39 ..... 57968, 58538
47 57968
71 ..... 57468–57470, 57969–57971, 58539–58541, 58956, 58957, 59389
73 58957
75 57971
91 ..... 57470, 57968, 59089, 59388
302 57132

15 CFR

16 57686
376 57454

PROPOSED RULES:

904 58958

16 CFR

2 ..... 58518, 59494
13 ..... 57302–57304, 57455, 58518, 59494
1012 ..... 57121, 58399
1105 58400
1607 57961

PROPOSED RULES:

444 57973
460 59678
1013 57133
1115 57133
1116 57133
1120 57642
1145 57642
1402 57134
1500 ..... 58959, 59511
1510 59511

17 CFR

211 57455
270 58400

PROPOSED RULES:

1 58542
166 58542
210 57652
231 58676
239 ..... 58414, 58677
240 ..... 58181, 58684, 59280
241 58684
249 ..... 58414, 58684

18 CFR

3 58737
260 58737

19 CFR

4 ... 59063
153 ... 57122

PROPOSED RULES:

101 ... 59090

20 CFR

422 ... 58403

PROPOSED RULES:

616 ... 57252
618 ... 57256

21 CFR

5 ... 58738
16 ... 58889
20 ... 58889
25 ... 58889
81 ... 57686, 59064
175 ... 59495
176 ... 59065
178 ... 59496
193 ... 58738
444 ... 58739
446 ... 59065
452 ... 59068
520 ... 59068
522 ... 58167
524 ... 58741
561 ... 58738
813 ... 58889
1020 ... 58167
1250 ... 57122
1308 ... 58741
1316 ... 57456

PROPOSED RULES:

101 ... 59091
131 ... 58181
136 ... 59513
137 ... 59513
146 ... 58761
182 ... 58763, 59518
186 ... 58763, 59518
186 ... 58763
207 ... 57137
444 ... 58766
501 ... 59091
601 ... 58266
607 ... 57137
610 ... 58266
807 ... 57137

22 CFR

9A ... 57687
63 ... 59379

PROPOSED RULES:

51 ... 57138

23 CFR

11 ... 59069
160 ... 59263

PROPOSED RULES:

628 ... 58542

24 CFR

7 ... 58932
201 ... 57431
203 ... 57433
207 ... 59674
213 ... 59674
220 ... 57435
221 ... 57435, 59675
222 ... 57435
231 ... 59675
232 ... 59676

24 CFR—Continued

234 ... 57435
235 ... 57436
236 ... 59675
242 ... 59676
841 ... 57305, 58932
885 ... 57439
1914 ... 59002
1915 ... 59003
1917 ... 57408–57414, 57852–57859, 58008–58016, 58494–58503, 59196
1920 ... 58503–58506

PROPOSED RULES:

201 ... 57327
570 ... 58960, 59390, 59654
880 ... 57632
881 ... 57632
882 ... 57416
883 ... 57633, 57634
1917 (3 documents) ... 57133–57140, 58660–58673, 58866–58870, 59197–59210

25 CFR

256 ... 58744

26 CFR

1 ... 57122, 57309–57312, 58934
25 ... 58935
48 ... 58935
154 ... 58935
404 ... 58935
601 ... 58935

27 CFR

PROPOSED RULES:

170 ... 57471
194 ... 57471
201 ... 57471

28 CFR

0 ... 57457, 59384

29 CFR

Ch. IV ... 59070
100 ... 59263
519 ... 58744
602 ... 57687
603 ... 57688
615 ... 57688
1902 ... 58745
1952 ... 57123, 58746
1960 ... 59496
2602 ... 59385
2606 ... 59071

PROPOSED RULES:

30 ... 57140, 58766
1910 ... 57266
1952 ... 57140
2617 ... 59285

30 CFR

601 ... 59670

PROPOSED RULES:

11 ... 59294
70 ... 59294
71 ... 59294
75 ... 59294, 59300
90 ... 59294

31 CFR

341 ... 57123
515 ... 58518

31 CFR—Continued

PROPOSED RULES:

Subtitle A ... 57973

32 CFR

203 ... 57123
276 ... 59072
356 ... 57312
724 ... 59074

32A CFR

134 ... 57457

33 CFR

86 ... 57648
87 ... 57648
91 ... 57650
110 ... 58519
117 ... 58936
135 ... 57650
136 ... 57650
207 ... 57961, 58519

PROPOSED RULES:

117 ... 58960
164 ... 59012
173 ... 58722
174 ... 58722
207 ... 58960
208 ... 57141

36 CFR

251 ... 59386
327 ... 59076
328 ... 59076

PROPOSED RULES:

264 ... 59092

37 CFR

201 ... 59264

PROPOSED RULES:

202 ... 59302

38 CFR

PROPOSED RULES:

2 ... 57328
3 ... 59390
21 ... 57328

39 CFR

111 ... 58169
241 ... 59082
245 ... 59082
246 ... 59082
247 ... 59082
248 ... 59085
259 ... 58170
265 ... 59085

40 CFR

52 ... 57124, 57459, 58171, 58405, 58519, 59500
60 ... 57125
415 ... 58747

PROPOSED RULES:

51 ... 57471, 58542, 59522
52 ... 57479, 58415–58416, 58542, 58543, 58767, 59309, 59310, 59522
61 ... 58543
205 ... 59521

41 CFR

1–16 ... 58174
3–4 ... 59642

41 CFR—Continued

6–6 58179
101–11 57314
101–17 57462
101–26 58747
101–35 58521
PROPOSED RULES:
105–61 57695

42 CFR

36 59643
57 59500
460 59086
PROPOSED RULES:
460 58544
121 57141

43 CFR

31 57462
PROPOSED RULES:
426 57142
2720 57682

45 CFR

19 57317
153 57286
189 57638
Ch. IX 59086
1069 ..... 57693, 59504
Ch. XIII 59086, 59212
1901 57127
1905 57127

45 CFR—Continued

PROPOSED RULES:
1068 57698
1069 57699

46 CFR

153 ..... 57126, 57962
381 57126
536 59265
PROPOSED RULES:
54 58712
197 58712
510 58181

47 CFR

2 58409
17 57127
73 ..... 57689, 57962, 58179, 58750–58752, 59087
81 58409
83 ..... 57963, 58410
91 57963
97 ..... 57690, 58753
PROPOSED RULES:
68 58186
73 ..... 57695–57698, 57974–57977, 58187–58189, 58417, 58768, 58769, 59092
81 58770

49 CFR

1 58753
172 ..... 57964, 58522

49 CFR—Continued

173 ..... 57965, 58525, 58937
176 57967
395 58525
501 58530
527 58938
553 58949
1033 ..... 57317, 57691, 58410, 58950, 59278, 59386, 59503
1080 ..... 57692, 59503
1090 ..... 57127, 58531
PROPOSED RULES:
218 59310
391 57488
395 58418
571 58545
575 57979
580 58546
581 57979
1047 59522
1082 59522

50 CFR

10 59358
17 ..... 58754, 58756
32 ..... 57692, 57693, 58531, 59278, 59279, 59387
33 ..... 58411, 59279
651 58412
PROPOSED RULES:
17 ..... 57329, 57492
216 58419
255 58963

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	*Date*
57115–57296	Nov. 1
57297–57443	2
57445–57681	3
57683–57939	4
57941–58149	7
58151–58395	8
58397–58507	9
58509–58728	10
58729–58928	11
58929–59033	14
59035–59259	15
59261–59362	16
59363–59485	17
59487–59746	18

list of cfr parts affected in this issue

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

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

3 CFR

PROPOSED EXECUTIVE ORDERS:
November 17, 1977 59740

5 CFR

213 (9 documents) 59506, 59507

7 CFR

910 59508
1464 59507

PROPOSED RULES:
987 59509

8 CFR

PROPOSED RULES:
242 59509

9 CFR

113 59487

PROPOSED RULES:
113 (2 documents) 59509, 59510

10 CFR

211 59488
212 59490

12 CFR

308 (2 documents) 59491–59493
311 59493

16 CFR

2 59494
13 59494

PROPOSED RULES:
460 59678
1500 59511
1510 59511

21 CFR

175 59495
178 59496

PROPOSED RULES:
136 59513
137 59513
182 59518
186 59518

24 CFR

207 59674
213 59674
221 59675
231 59675
232 59676
236 59675
242 59676

PROPOSED RULES:
570 59654

29 CFR

1960 59496

30 CFR

601 59670

40 CFR

52 59500

PROPOSED RULES:
51 59522
52 59522
205 59521

41 CFR

3–4 59642

42 CFR

36 59643
57 59500

45 CFR

1069 59504

49 CFR

1033 59503
1080 59503

PROPOSED RULES:
1047 59522
1082 59522

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

Interior/FWS—Mark Twain National Wildlife Refuge, Ill.; open to deer hunting. 39393; 8–4–77

Rules Going Into Effect Nov. 19, 1977

Interior/FWS—Hunting, opening of certain individual wildlife refuges:
Imperial National Wildlife Refuge, Ariz. 45929; 9–13–77

Rules Going Into Effect Nov. 20, 1977

Labor/W&H—Men's and boys clothing and related products industry in Puerto Rico; wage order.... 57688; 11–4–77
Gloves and mittens industry in Puerto Rico; wage order..... 57688; 11–4–77
Leather, leather goods and related products industry in Puerto Rico; wage order..... 57687; 11–4–77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

rules and regulations

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

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

[3410–34]

Title 9—Animals and Animal Products

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

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS), USDA.

ACTION: Final rule.

SUMMARY: These amendments add a potency test to the Standard Requirements to be met by biological products containing Salmonella Typhimurium Bacterin and Pasteurella Multocida Bacterin and improve the safety tests in these Standard Requirements by changing the test animal from guinea pigs to mice. Such tests of each serial of a biological product are required by the regulations before it can be released for sale.

EFFECTIVE DATE: These amendments become effective December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 301–436–8245.

SUPPLEMENTARY INFORMATION:

Proposal Published

On June 3, 1977, a proposed notice of amendments to Part 113 of Title 9 was published in 42 FR 28548. These proposed amendments contained a potency test for Salmonella Typhimurium Bacterin and a potency test for Pasteurella Multocida Bacterin. They also contained proposed amendments to the safety tests for these two bacterins which would change the test animals from guinea pigs to mice.

Comments on these proposed amendments were solicited and 10 responses were received. A delay in publication of the final rule was requested. Since the reason given did not have a direct bearing on the change in safety tests or in the proposed protocol for the proposed potency tests, the delay of final publication was not considered justified.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Part 113 of Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted, except that a printing error in § 113.105(c)(8) has been corrected. Also, the words "At least" have been inserted in § 113.105(c)(2) and § 113.106(c)(2) to permit more dilutions if needed.

The first letter of each word in the headings for § 113.105 and § 113.106 is to be capitalized.

1. Section 113.105 is amended by revising paragraphs (b) and (c) to read:

§ 113.105 Salmonella Typhimurium Bacterin.

* * * * *

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be 1/20 of the least dose recommended on the label for other animals which shall not be less than 2 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either supplied by or acceptable to Veterinary Services.

(2) At least three tenfold dilutions shall be made with the Standard and the same tenfold dilutions shall be made for each Unknown. The dilutions shall be made in Phosphate Buffered Saline.

(3) For each dilution of the Standard and each dilution of an Unknown, a group of at least 20 mice, each weighing 16–22 grams, shall be used. Each mouse in a group shall be injected intraperitoneally with one mouse dose of the appropriate dilution. Each mouse shall be revaccinated on day 14, using the same schedule.

(4) Each of 20 vaccinated mice per group shall be challenged intraperitoneally 7–10 days after the second vaccination with a 0.25 ml dose containing 100-10,000 mouse LD_{50} as determined by titration, of a suitable culture of *Salmonella typhimurium*. All survivors in each group of mice shall be recorded 14 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the Standard by the following formula:

$$RP = \frac{\text{reciprocal of 50 percent endpoint dilution of Unknown}}{\text{reciprocal of 50 percent endpoint dilution of Standard}}$$

(7) If the RP of the Unknown is less than 0.30, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested: *Provided*, That if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by 6 mice or more, the serial being tested is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing.

2. Section 113.106 is amended by revising paragraphs (b) and (c) to read:

§ 113.106 Pasteurella Multocida Bacterin.

* * * * *

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b). The subcutaneous route is to be used.

(c) *Potency Test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be 1/20 of the least dose recommended on the label for other animals which shall not be less than 2 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either supplied by or acceptable to Veterinary Services.

(2) At least three fivefold dilutions shall be made with the Standard and the same fivefold dilutions shall be made for each Unknown. The dilutions will be made in Phosphate Buffered Saline.

(3) For each dilution of the Standard and each dilution of each Unknown, a group of at least 20 mice, each weighing 16–22 grams, shall be used. Each mouse in a group shall be injected intraperitoneally with one mouse dose of the appropriate dilution. Each mouse shall be revaccinated on day 14, using the same schedule.

(4) Each of 20 injected mice per group shall be challenged intraperitoneally 10–12 days after the second vaccination with a 0.2 ml dose containing 100–10,000 mouse LD_{50}, as determined by titration, of a suitable culture of *Pasteurella multocida*. All survivors in each group of mice shall be recorded 10 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the Standard by the following formula:

$$RP = \frac{\text{reciprocal of 50 percent endpoint dilution of Unknown}}{\text{reciprocal of 50 percent endpoint dilution of Standard}}$$

(7) If the RP of the Unknown is less than 0.50, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested: *Provided*, That if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by 6 mice or more, the serial being tested is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing. (21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141).

Effective date: These amendments take effect December 19, 1977.

Done at Washington, D.C., this 11th day of November 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77–33141 Filed 11–17–77;8:45 am]

[3128–01]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY (ECONOMIC REGULATORY ADMINISTRATION)

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendment To Reinstitute Special Set-Aside Procedures for Middle Distillates

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts an amendment to the Mandatory Petroleum Allocation Regulations which reinstates, by the adoption of a Special Rule No. 5, special set-aside procedures for middle distillates to be administered by the State Energy Offices and DOE's Regional Offices for the period November 1977 through March 1978. The special set-aside procedures will permit ultimate consumers of middle distillates who have made unsuccessful efforts to obtain supplies for an emergency or hardship to acquire that volume required to meet their certified current requirements.

EFFECTIVE DATE: November 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202–566–9833.
Gerald P. Emmer (Economic Regulatory Administration), 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202–254–7200.
Michael Paige (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202–566–9565.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Analysis of Comments.
III. State Set-Aside Procedures Adopted.

I. BACKGROUND

On May 26, 1977, the Federal Energy Administration (FEA) issued a Further Notice of Proposed Rulemaking and Public Hearing (42 FR 27937, June 1, 1977) to provide an opportunity for receipt of comments on what action, if any, should be taken by FEA with respect to middle distillates during the 1977–78 winter. The response to this notice revealed strong support for the State set-aside procedures among the States, consumer groups and trade associations, which viewed the set-aside as an effective means of addressing emergency situations. On September 30, 1977, FEA issued a notice of proposed rulemaking and public hearing (42 FR 54298, October 5, 1977) proposing the adoption of Special Rule No. 5 for Subpart A of Part 211, the Mandatory Petroleum Allocation Regulations, which would reinstate in a modified form the special set-aside procedures for middle distillates.

As indicated in the notice, Special Rule No. 5, as proposed, derived from Special Rule No. 3, which FEA adopted on August 5, 1976 (41 FR 33881, August 11, 1976) to insure that no marketer would lose its supply source without adequate time to obtain a new supplier during the transitional period following removal of controls on middle distillates on July 1, 1976. Special Rule No. 3 provided a special set-aside procedure for middle distillates that was in effect for the months of August 1976 through March 1977. Under these procedures, State Offices were enabled to make assignments (1) to marketers (i.e., "wholesale purchaser-resellers") who could demonstrate an inability, after reasonable efforts in this regard, to obtain supplies of middle distillates equal to their base period usage, and (2) directly to consumers (i.e., "wholesale purchaser-consumers" or "end-users") who could demonstrate actual hardship if an allocation were not received. Since the transition to an unregulated middle distillate market is substantially complete, FEA proposed, in September of this year, that the operation of Special Rule No. 5 differ from the set-aside in effect during the last heating season in that Special Rule No. 5 would not provide wholesale purchaser-resellers with a similar guarantee of a volume of middle distillates equal to their base period use, but would limit the eligible recipients to wholesale purchaser-consumers and end-users who are experiencing hardship or emergency conditions and to wholesale purchaser-resellers which require middle distillates to meet the emergency needs of such wholesale purchaser-consumers and end-users.

Effective October 1, 1977, all functions previously performed by FEA were transferred to the Department of Energy (Department of Energy Organization Act, Pub. L. 95–91 (DOE Act); Executive Order No. 12009, 42 FR 46267, September 15, 1977). Section 705(b)(1) of the DOE Act provides that:

> The provisions of this Act shall not affect any proceedings * * * pending at the time this Act takes effect before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings * * * to the extent that they relate to functions so transferred, shall be continued.

Pursuant to this provision, this rulemaking proceeding, begun by FEA prior to the activation of DOE, is continued so as to permit DOE to take final action thereupon.

Further, in DOE Delegation Order No. 0204–4, the Secretary of Energy delegated to the Administrator of the ERA the authority to take such action, including the adoption of rules, as is necessary and appropriate to administer several functions, among which are the allocation and pricing of crude oil and refined petroleum products, pursuant to the provisions of the Emergency Petroleum Allocation Act of 1973, as amended (Pub. L. 93–159, "EPAA"). Pursuant to this delegation, the ERA hereby adopts the amendments set forth below.

II. DISCUSSION OF COMMENTS

Written comments were invited on the proposed Special Rule No. 5 through October 21, 1977, and a public hearing was held on October 21, 1977, in Washington, D.C. Comments were received

from ten refiners, one association of resellers, and five State Energy Offices. The refiners were unanimous in their opposition to the proposal, contending that the state set-aside procedures did not work to promote the efficient allocation of middle distillates during the last winter. However, the refiners commenting did not detail any specific detrimental effects of set-aside procedures on their actual operations last winter or their anticipated operations this coming heating season. The State Energy Offices indicated strong support for the reinstatement of the state set-aside procedures as a device which they could employ during the coming winter to insure that the emergency and hardship needs of consumers in their states were met.

In addition to requesting comments concerning the adoption of a state set-aside for middle distillates, FEA also requested comments concerning the following specific elements of the set-aside procedures:

A. PHYSICAL STORAGE WITHIN EACH STATE

FEA requested consideration as to whether the set-aside volume for each state should actually be stored within that state. The comments confirmed FEA's tentative conclusion that such a requirement would entail substantial expense and would be impractical.

B. SPECIFIC RESPONSE TIME

Comments were also requested as to the viability of establishing a specified response time for compliance with orders under the Special Rule. Only two states indicated support for such action. DOE believes that a specified response time would detract from the flexibility of the set-aside's operation. However, DOE reiterates that suppliers are required to comply as soon as practicable with the terms of authorizing documents presented them.

C. BRANDING DIFFICULTIES

FEA requested a delineation of the problems which are associated with the transfers of middle distillates from a prime supplier of one brand to a user of another brand so that FEA might determine whether it should take any action in this regard. Many of the respondents stated that they had experienced no problems with such transfers. Moreover, DOE has concluded that the branding problems which the comments did disclose would be more appropriately dealt with by the state agencies with direct jurisdiction in this area, unless these problems severely affect the ability of suppliers to supply middle distillates to end-users and consumers experiencing hardships during the coming winter.

D. FEDERAL ENFORCEMENT AND MANDATORY PENALTIES

FEA inquired as to whether state set-aside orders should be federally enforced and whether the regulations should set forth mandatory penalties for non-compliance. No compelling arguments were advanced for either of these propositions.

E. INCREASED SET-ASIDE PERCENTAGE

FEA asked for comments as to whether the regulations should allow a governor of a state to petition for an increase in the set-aside percentage for his state during an extreme emergency. The comments received did not indicate substantial need for separate procedures in this regard. If a governor believes that a larger set-aside percentage may be required in the future, the governor may then petition DOE to conduct an emergency rulemaking proceeding.

F. REVISION OF FORM FEA 1000

FEA requested comments on the possible revision of Form FEA 1000 to reflect the volume of each type of middle distillate being sold in a state. While a revision received favorable comments, DOE believes that the current form provides sufficient data. To facilitate the utilization of such data by the State Energy Offices, however, ERA is developing a program to supply each State, by the fifth of each month, with a computerized list of the amount of kerosene (including No. 1 heating oil), No. 2 heating oil, and diesel fuel being made available by each prime supplier in that State.

III. Special Set-Aside Procedures Adopted

The DOE has carefully considered the comments of all persons who participated in this rulemaking and has concluded that Special Rule No. 5 should be adopted, substantially as proposed.

Special Rule No. 5 provides that, notwithstanding the exemption of middle distillates from controls, a special set-aside program for middle distillates will be in effect from the date of issuance of this final rule to March 31, 1978, so as to permit assignments to marketers and consumers by State Energy Offices or by the appropriate DOE Regional Office if a State Energy Office declines administration of the procedures. Within 20 days after the effective date of this Special Rule, each supplier will designate for each State within which the supplier operates as a prime supplier a representative who will act on behalf of the prime supplier with regard to these special procedures. The set-aside will constitute four (4) percent of a prime supplier's estimated portion of its total supply of middle distillates for the particular month which will be sold into the distribution system of the state (for consumption therein). The set-aside volume for a particular month cannot be accumulated or deferred and may be released totally or partially at any time during the month by order of the tSate Energy the month by order of the State Energy Office. These volumes will be available for assignments to wholesale purchaser-consumers and end-users who have made unsuccessful efforts to obtain supplies for an emergency or hardship. Such assignments will be limited to that volume required to meet certified current requirements and conditioned upon demonstration of the same hardship criteria that were in effect for the state set-aside program. Assignments can also be made to wholesale purchaser-resellers who are unable to obtain a sufficient volume of product to meet the emergency and hardship needs of those wholesale purchaser-consumers and end-users with whom the wholesale purchaser-reseller had a supplier/purchaser relationship on November 1, 1977. Application for these volumes should be made to the appropriate State Energy Office which will approve or disapprove the application. Since assignments will only be made in response to emergency situations, the final rule does not require wholesale purchaser/resellers to make their requests in writing. The final rule, however, does require that each applicant submit a written certification as to the validity of the emergency or hardship situation to the State Energy Office within five days of the actual application. If the State Energy Office approves the application, it will assign a prime supplier to furnish the applicant an amount from the set-aside. The State Energy Office will issue both the applicant and the representative of the prime supplier a document authorizing such assignment. This document will entitle the applicant to receive the assigned volume from any convenient local distributor of the prime supplier from which the set-aside assignment has been made. Such document will expire ten days after issuance unless it has been presented to the prime supplier or a designated local distributor of the prime supplier.

In conformity with FEA's tentative conclusions set forth in the September 30, 1977, Notice, DOE believes that Special Rule No. 5 will insure adequate supplies of middle distillates to meet emergency and hardship situations of consumers during the 1977–78 winter and is necessary to attain, and is consistent with, the objectives specified in section 4(b)(1) of the EPAA. In particular, the DOE believes that the Special rule will further the objectives set forth in section 4(b)(1) of the EPAA by promoting public health, safety and welfare (including maintenance of residential heating for individual homes, apartments, and similar occupied dwelling units) and the equitable distribution of refined petroleum products among all regions and areas of the United States, and sectors of the petroleum industry, and among all users. Therefore, the ERA, acting under section 12(f) of the EPAA, which permits the President to prescribe such a regulation upon a determination by him that such regulation is necessary to attain, and is consistent with, the objectives specified in section 4(b)(1) of the EPAA, is adopting Special Rule No. 5, effective immediately.

The DOE believes the immediate effectiveness of these special procedures is necessary to promote public health, safety, and welfare and the equitable distribution of refined petroleum products since the use of middle distillates for heating purposes has already begun in some areas of the nation and any delay in the implementation of Special Rule No. 5 could contribute to supply distortions.

(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. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; EO 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; EO 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., November 14, 1977.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

The Appendix to Subpart A of Part 211 is amended by adding Special Rule No. 5 to read as follows:

SPECIAL RULE NO. 5

SPECIAL SET-ASIDE PROCEDURES FOR MIDDLE DISTILLATES

1. *Scope.* This Special Rule provides for a set-aside program for middle distillates for the period from the date of issuance of this Special Rule through March 31, 1978, as provided below, notwithstanding the exemption of middle distillates from the Mandatory Petroleum Allocation and Price regulations effective July 1, 1976.

2. *Provision for middle distillate set-aside.* Notwithstanding the provisions of paragraphs (b) and (c) of § 210.35 and of paragraphs (b) (5) and (6) of § 211.1, a set-side is hereby established for the period from the date of issuance of this Special Rule through March 31, 1978, for designated middle distillates for assignment by State Offices in accordance with the provisions of this Special Rule.

For purposes of this Special Rule the term middle distillates includes the following, as defined in § 212.31 of this chapter: No. 1 heating oil, No. 1-D diesel fuel, No. 2 heating oil, No. 2-D diesel fuel and kerosene.

3. *Set-aside volume.* A prime supplier shall inform each appropriate State Office monthly of the estimated volume of middle distillates to be sold into a State for consumption within that State. The set-aside volume available in a State for a particular month shall be the sum of the amounts calculated by multiplying four percent (4%) by each prime supplier's estimated portion of its total supply for that month which will be sold into that State's distribution system for consumption within the State. The set-aside for a particular month cannot be accumulated or deferred; it shall be made available from stocks of prime suppliers whether directly or through their wholesale purchaser-resellers.

4. *State representative.* Each supplier shall designate a representative for each State in which the supplier is a prime supplier to act for and on behalf of the prime supplier with respect to set-aside petitions and assignments from the set-aside to be supplied by that prime supplier. Each prime supplier for a State shall designate its representative for that State and shall notify in writing the appropriate State and DOE Regional Offices of such designation within 20 days after the effective date of this Special Rule. The State Office shall to the maximum extent possible consult with a prime supplier's representative prior to issuing any authorizing document affecting set-aside volumes to be provided by the prime supplier.

5. *Eligible recipients of set-aside volumes.* The set-aside provided for by this Special Rule shall be utilized by the State Offices in issuing authorizations to applicants for designated middle distillates to be supplied by a prime supplier to meet hardship and emergency requirements of wholesale purchaser-consumers and end-users. To facilitate relief of the hardship and emergency requirements of wholesale purchaser-consumers and end-users, the State Office may also direct that a wholesale purchaser-reseller be supplied from the set-aside to enable the wholesale purchaser-reseller to supply the emergency and hardship needs of wholesale purchaser-consumers and end-users with whom the wholesale-purchaser had a supplier/purchaser relationship on November 1, 1977.

6. *Term of assignments.* Assignments to eligible end-users and wholesale purchaser-consumers under section 5 of this Special Rule by a State Office shall be made to meet the emergency or hardship conditions being experienced during that period. Assignments to wholesale purchaser-resellers shall be only for the period necessary to preclude hardship and provide emergency requirements to that wholesale purchaser-reseller's wholesale purchaser-consumers and end-users. No assignments under this Special Rule shall relate to any period subsequent to March 31, 1978.

7. *Application for assignment.* All applications for assignment under this Special Rule shall be made to the appropriate State Office, which Office has jurisdiction over the State in which the applicant conducts its business operations, in accordance with the procedures set forth in §§ 205.211-218 of Subpart Q of Part 205 of this chapter with respect to the State set-aside, except as otherwise provided in this Special Rule. Within five days of each application for assignment of middle distillates under these special procedures, each applicant shall submit to the State Energy Office a written certification that such application was for a valid hardship or emergency situation.

8. *Transfer of functions to DOE Regional Office.* Any State may elect irrevocably at any time to transfer administration of the middle distillate set-aside established by this Special Rule from its State Office to the DOE Regional Office which has jurisdiction over said State, and will inform the DOE Regional Office in writing of such election. In the event of such an election by a particular State, all applications by applicants conducting business within that State shall be made to the appropriate DOE Regional Office. With respect to applications made to a DOE Regional Office under this section all references to a State Office in this Special Rule and Subpart Q of Part 205 of this chapter shall be deemed to refer to the appropriate DOE Regional Office.

9. *Approval of application.* If a State Office approves an application for assignment, it shall assign a prime supplier an amount from the set-aside to the applicant necessary to meet the expressed emergency or hardship condition. To determine an appropriate prime supplier, the State Office may coordinate with the State representatives of prime suppliers.

10. *Authorizing document.* The State Office shall issue to an applicant granted an assignment a document authorizing such assignment. A copy of the authorizing document (or a summary) shall also be provided by the State Office to the designated State representative of the prime supplier assigned to the applicant. An authorizing document not presented to either the prime supplier or a designated local distributor of the prime supplier within ten (10) days of issuance shall expire after that ten-day period.

11. *Supplier's responsibilities.* When presented with an authorizing document, suppliers shall provide the assigned amount of middle distillates to an applicant. The authorizing document shall entitle the applicant to receive product from any convenient local distributor of the prime supplier from which the set-aside assignment has been made. Wholesale purchaser-resellers of prime suppliers shall, as non-prime suppliers, honor such authorizing documents upon presentation and shall not delay deliveries required by the authorizing documents while confirming such deliveries with the prime supplier. Any non-prime supplier which provides middle distillates pursuant to an authorizing document shall in turn receive from its prime supplier an equivalent volume of the product. The requirements of paragraph (b) of § 210.62 of this chapter continue to apply to suppliers to whom an authorizing document is presented pursuant to this Special Rule to prohibit any form of discrimination (including price discrimination) which has the effect of circumventing, frustrating or impairing the objectives, purposes and intent of this Special Rule.

12. *Prime suppliers.* All prime suppliers shall supply designated middle distillates from their set-aside volume each month, as directed by the State Offices, not to exceed the total set-aside volume for such middle distillates for that month for the State concerned.

13. *Release of set-aside.* At any time during the month, a State Office may order the release of part or all of a prime supplier's set-aside volume through the prime supplier's normal distribution system in the State.

14. *Orders issued by State Offices.* Authorizing documents and other orders issued pursuant to this Special Rule shall be in writing and effective immediately upon presentation to the prime supplier's designated State representative. Authorizing documents shall represent a call on the prime supplier's set-aside volumes for the month of issuance irrespective of the fact that delivery cannot be made until the following month. Any order issued by a State Office pursuant to this Special Rule may be appealed to the DOE Regional Office that has jurisdiction over the State involved, in accordance with the procedures set forth in Subpart H of Part 205 of this chapter. Any appeal from such an order shall be filed within ten (10) days of service of the order from which the appeal is taken. If a State Office fails to take action on an application within ten (10) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this section.

[FR Doc.77-33352 Filed 11-15-77;3:49 pm]

[3128-01]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Resumption of Adjustments to Lower and Upper Tier Crude Oil Price Ceilings to Reflect Impact of Inflation; Correction

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Corrective amendment.

SUMMARY: The purpose of this notice is to correct an inadvertent error in Schedule No. 8 of Monthly Price Adjustments to Lower Tier and Upper Tier

Crude Oil Price Ceilings issued by the Federal Energy Administration on September 1, 1977 (42 FR 45284, Sept. 9, 1977).

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Everard A. Marseglia, Jr. (Office of General Counsel), 12th and Pennsylvania Ave. NW., Room 5134, Washington, D.C. 20461, 202–566–9565.

SUPPLEMENTARY INFORMATION: On September 1, 1977, the Federal Energy Administration ("FEA") issued Schedule No. 8 of Monthly Price Adjustments to Lower Tier and Upper Tier Crude Oil Price Ceilings. Through an inadvertent error, Schedule No. 8 incorrectly stated that the lower tier ceiling price in November 1977 would be the highest posted price in each field on May 15, 1973, plus $1.58 per barrel. The correct lower tier ceiling price for November 1977 is the May 15, 1973, price plus $1.57 per barrel.

In the Notice accompanying Schedule No. 8, FEA indicated that the estimated average first sale price in November 1977 for lower tier crude oil would be $5.26 per barrel. The November 1977 price was determined by applying a 7.1 percent annual rate of inflation (measured by the first revision of the GNP deflator, published on Aug. 20, 1977) to the weighted average first sale price of $5.17 per barrel projected for August 1977. This computation yielded an increase in lower tier prices of $.03 per month for September, October, and November 1977:

($5.17) (.071)/12 months
=$.03 per month

Accordingly, the estimated average first sale prices for the months of September, October, and November 1977 were computed to be $5.20, $5.23, and $5.26 per barrel respectively. In determining the increment to be added to May 15, 1973, highest posted field prices for these months, FEA estimated that inasmuch as the August 1977 price was projected to be $5.17, and since the increment to be added to May 15, 1973, postings during that month was $1.48 per barrel, the average highest posted field price on May 15, 1973, was approximately $3.69 per barrel. Accordingly, the correct increments for these months should have been $1.51, $1.54 and $1.57 per barrel respectively. Inasmuch as the September 1 Notice incorrectly stated the November increment to be $1.58 per barrel, this Notice is issued to correct that error.

Because this amendment is only to correct an inadvertent error in the regulations, the Department of Energy finds that good cause exists to issue this amendment immediately, without notice, opportunity for comment, or economic impact evaluation. As this amendment merely restores the regulations to their status intended pursuant to the September 1 amendment and does not change their effect, it will not affect the quality of the environment. Therefore it is also not necessary to submit this amendment to the Administrator of the Environmental Protection Agency for comments.

Accordingly, Schedule No. 8 is hereby amended, effective September 1, 1977, as set forth below.

(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. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; EO 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95–91; EO 12009, 42 FR 46267.)

Issued in Washington, D.C., on November 10, 1977.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

1. Section 212.77 is revised in Schedule No. 8 of the Appendix to read as follows:

§ 212.77 **Adjustments to Ceiling Prices.**

* * * * *

APPENDIX.—*Schedule No. 8 of monthly price adjustments effective Sept. 1, 1977*

Month	Lower tier, May 15, 1973, posted price [1] (plus)	Upper tier, Sept. 30, 1975, posted price [2] (less)
1976:		
February	$1.35	$1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05
September	1.48	1.05
October	1.48	1.05
November	1.48	1.05
December	1.48	1.05
1977:		
January	1.48	1.25
February	1.48	1.25
March	1.48	1.70
April	1.48	1.70
May	1.48	1.70
June	1.48	1.70
July	1.48	1.70
August	1.48	1.70
September	1.51	1.44
October	1.54	1.18
November	1.57	.92

[1] The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).
[2] The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on September 1, 1977, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February 1976 through August 1977, as determined under 10 CFR 212.73, 212.74, and 212.77. Upper tier ceiling prices, which were reduced under Schedule No. 5 effective January 1, and further reduced effective March 1, 1977, are increased as indicated in this schedule. Also, lower tier ceiling prices, which were held at the ceiling price level for the month of June 1976, are increased as indicated in this schedule.

This schedule is effective only through November 30, 1977. Price ceilings for subsequent months will be provided by Schedule No. 9, to be issued on or about November 30, 1977. This schedule may, however, be superseded prior to November 30, 1977, by early issuance of Schedule No. 9 to reflect further ceiling price adjustments based on presently unanticipated trends in actual composite price levels.

[FR Doc.77-33213 Filed 11-14-77;1:51 pm]

[6714-01]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 308—RULES OF PRACTICE AND PROCEDURES

Procedures and Standards Applicable to Suspensions and Prohibitions Where Felony Charged

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rules.

SUMMARY: The procedures and standards set forth in these rules are applicable to proceedings by the Board of Directors of the Federal Deposit Insurance Corporation to suspend and/or prohibit from participation any officer or director or other person participating in the conduct of the affairs of an insured State nonmember bank, where such person is charged with a felony involving dishonesty or breach of trust. These rules are intended to make available to such persons specific procedures for hearings in such cases and are believed by the Board to be necessary because of the decision in *Feinberg* v. *Federal Deposit Insurance Corporation*, 420 F. Supp. 109 (D.D.C. 1976).

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Werner Goldman, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202–389–4616.

SUPPLEMENTARY INFORMATION: On September 1, 1977, the FDIC published proposed rules (42 FR 43984) providing procedures and standards applicable to proceedings by the FDIC Board of Directors to suspend and/or prohibit from participation any officer or director or other person participating in the conduct of the affairs of an insured State nonmember bank, where such person is charged with a felony involving dishonesty or breach of trust. Comments on the proposed rules were solicited from the public.

After careful review of all comments received, the Board of Directors has decided to adopt the rules as originally proposed, with certain minor language and punctuation changes for purposes of clarity.

Of the nine comments received, the American Bankers Association and two banks expressed support for the proposed rules, three banks opposed the rules, and the Nebraska Bankers Association and

two banks commented on the proposal without expressing a position pro or con.

Those opposing the rules generally expressed the view that the proposal treats a suspended individual as "guilty until proven innocent." Thus, it was suggested that the regulation should place the burden of proof on the FDIC to show commission of a felony involving dishonesty or breach of trust, rather than place on the suspended individual the burden of proving his "innocence." This view, however, ignores the fact that Section 8(g) of the Federal Deposit Insurance Act authorizes a suspension based upon the fact of an indictment and does not require the FDIC to "prove" the allegations contained therein. In fact, the proposed rules make clear that the guilt or innocence of the individual is not to be considered by the FDIC in reaching its decision.

Among the other suggestions which were not adopted are the following:

1. It was suggested that § 308.56 be amended to grant automatic reconsideration to a person who has been suspended and has been afforded a hearing, in the event of (a) a verdict of not guilty, or (b) dismissal of the indictment by a judge as improperly or erroneously issued (e.g., where the grand jury failed to consider sufficient evidence). The writer commented that, in such a case, under the proposed rules the individual would not be entitled to reconsideration until a period of twelve months had elapsed. This is incorrect. Under Section 8(g) of the Federal Deposit Insurance Act, a suspension remains in effect until the indictment is finally disposed of or until terminated by the FDIC. Thus, upon dismissal of the indictment or upon a final judgment of not guilty, the suspension would end, and there would be no need for reconsideration.

2. It was also suggested that § 308.56 be amended to permit a petition for reconsideration whenever a suspended individual has new evidence to present. However, inasmuch as the individual is not entitled to reconsideration as a matter of right, the FDIC believes that the reconsideration provisions contained in § 308.56 are both reasonable and adequate. Moreover, the suggested amendment would permit unmeritorious or even frivolous petitions for reconsideration to be filed on a regular basis, resulting in unnecessary administrative burden.

3. It was also suggested that a suspended individual automatically be granted a hearing unless he expressly waives this right; he should not be required to request a hearing. However, the Feinberg decision does not require this result. Moreover, since the rules impose no deadline for the filing of a request for a hearing, a suspended individual is free to initiate the hearing process at any time he so chooses and cannot lose his right to a hearing by failing to file in a timely manner.

4. It was also suggested that all witnesses presented at the hearing be sworn and that incompetent, irrelevant or immaterial evidence or testimony not be admitted. However, it is clear from the Feinberg decision that due process does not require a trial-type proceeding and that the formal rules of evidence need not be applied.

5. It was also suggested that factor (3) of § 308.57 (erosion of public confidence in the bank or banking system) be deleted as a standard for deciding the question of suspension. However, the FDIC feels strongly that this is a proper standard to be considered.

In consideration of the foregoing, the proposed rules are adopted as set forth below, effective immediately. Because the rules serve to enlarge a suspended individual's rights and to provide for a due process hearing heretofore not generally afforded, the Board of Directors has found that the 30-day deferred effective date usually required for agency rulemaking would in this case be contrary to the public interest and therefore need not be followed.

By order of the Board of Directors November 14, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

§ 308.35 [Amended]

1. Amend § 308.35 by inserting the phrase "Except as otherwise specifically provided in Subpart F of this part," immediately before the first sentence thereof, and by revising the second sentence thereof to read: "The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart, Subpart A of this part, and, where applicable, Subpart F of this part."

§ 308.41 [Deleted]

2. Delete § 308.41.

3. Add a new Subpart F by adding the following new sections 308.50–58;

Subpart F—Procedures and Standards Applicable to Suspensions and Prohibitions Where Felony Charged

§ 308.50 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors to suspend or remove any director or officer of an insured State nonmember bank (other than a District bank) or any other person participating in the conduct of the affairs of such a bank, or to prohibit such director, officer or other person from further participation in the conduct of the affairs of such a bank, or both, where such individual is charged in any State, Federal or territorial information or indictment, or in any complaint authorized by a United States attorney, with the commission of or participation in a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law) involving dishonesty or breach of trust.

§ 308.51 Notice of suspension or prohibition.

Whenever a director or officer of an insured State nonmember bank (other than a District bank) or any other person participating in the conduct of the affairs of such bank, is charged in any State, Federal or territorial information or indictment, or in any complaint authorized by a United States attorney, with the commission of or participation in a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law) involving dishonesty or breach of trust, the Board of Directors, upon a preliminary determination that the offense alleged in the information, indictment or complaint involves dishonesty or breach of trust, shall, by written notice served upon such director, officer, or other person, suspend him from office or prohibit him from further participation in any manner in the affairs of the bank, or both. A copy of the notice of suspension also shall be served upon the bank.

§ 308.52 Notice of hearing.

(a) Any notice of suspension and/or prohibition issued pursuant to § 308.51 shall be accompanied by a further notice to the individual that he may request in writing a hearing at which he may present evidence and argument as to why the suspension and/or prohibition should not continue in effect. Any notice of the opportunity for a hearing shall be accompanied by a description of the hearing procedure and the criteria to be considered.

(b) A request for a hearing filed pursuant to paragraph (a) above shall state with particularity the relief desired, the grounds therefor, and shall include, when available, supporting evidence. Such petition and supporting evidence shall be filed in writing with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

(c) If an individual fails to request a hearing, or fails to appear at a hearing, either in person or by attorney, or fails to submit a written argument where a hearing has been waived pursuant to § 308.54, the suspension and/or prohibition shall remain in effect until such information, indictment or complaint is finally disposed of or until terminated by the Board of Directors.

§ 308.53 Hearing.

(a) After the receipt of a request for a hearing complying with § 308.52, the Executive Secretary of the FDIC will order a hearing to commence within the next succeeding 30 days in Washington, D.C., or such other place as is designated by the Executive Secretary, before a person designated by the Board of Directors of the FDIC to conduct such hearings.

(b) The notice of the hearing shall be served by the Executive Secretary upon the party or parties afforded the hearing and shall set forth the time and place of the hearing and the name and address of the presiding officer.

(c) The subject individual may appear at the hearing through counsel, or personally with counsel. The individual shall have the right to introduce relevant and material evidence and to present an oral argument before the presiding officer. A member of the staff of the Office of the General Counsel of the FDIC may attend the hearing and may participate as a party. Neither the formal rules of evidence nor the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. The proceedings shall be recorded and a transcript will be furnished to the individual, upon request and after the payment of the cost thereof. Witnesses may be presented, within specified time limits, so long as a list of such witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn, unless specifically requested by either party or the presiding officer. The presiding officer may ask questions of any witness and each party shall have the opportunity to cross-examine any witness presented by an opposing party. Upon the request of either the subject individual or the representatives of the Office of the General Counsel, the record shall remain open for a period of five (5) business days following the hearing, during which time the parties may make any additional submissions to the record. Thereafter, the record shall be closed.

(d) The presiding officer will make his recommendations to the Board of Directors, where possible, within ten (10) business days following the close of the record.

§ 308.54 Waiver of hearing.

The subject individual may, in writing, waive an oral hearing and instead elect to have the matter determined by the Board of Directors on the basis of written submissions alone.

§ 308.55 Decision of Board of Directors.

(a) Within thirty (30) days following receipt of the presiding officer's recommendations, or receipt of the subject individual's written submissions where hearing has been waived pursuant to § 308.54, the Board of Directors shall render its decision. The decision shall include a statement of the basis for the decision and such statement shall be provided to the subject individual and the bank.

(b) The Board of Directors may extend said thirty (30) day time period for good cause, but in no instance to exceed sixty (60) days from the date of the hearing or receipt of the subject individual's written submissions where hearing has been waived pursuant to § 308.54. Where such an extension is required, the individual will be notified of the reason for the extension and the expected date upon which a final decision will be rendered.

§ 308.56 Reconsideration by the Board of Directors.

(a) The subject individual shall have ten (10) business days following receipt of the decision of the Board of Directors in which to petition the Board for an initial reconsideration.

(b) The subject individual also shall be entitled to petition the Board of Directors for reconsideration of its decision any time after the expiration of a twelve-month period from the date of the Board of Directors' decision. Provided, however, that no petition for reconsideration may be made within 12 months of a previous petition.

(c) Any petition shall state with particularity the basis for reconsideration, the relief sought, and any exceptions the individual has to the Board's findings. An individual's petition may be accompanied by a memorandum of points and authorities in support of his petition and any supporting documentation the individual may wish to have considered.

(d) No hearing need be granted on such petition for reconsideration. The Board of Directors shall promptly render its decision following receipt of the petition.

§ 308.57 Relevant considerations.

In deciding the question of suspension under this subpart the Board of Directors will consider the following:

(a) Whether the alleged offense: (1) is a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law), and (2) involved dishonesty or a breach of trust;

(b) Whether the continued presence of the subject individual in his position constitutes a possible danger to the safety of deposits or the soundness of an insured bank because of: (1) the nature and extent of the individual's participation in the affairs of the insured bank, or (2) the nature of the offense with which the individual has been charged, or (3) both;

(c) Whether there is cause to believe that there may be an erosion of public confidence in the integrity, safety, or soundness of a particular bank or the banking system (either generally or in the particular locality in which the bank is situated) if the subject individual is permitted to remain in his position in an insured bank; and

(d) Whether the individual is covered by the bank's fidelity bond and, if so, whether the bonding company is likely to revoke the bond or whether coverage under the bond will be affected adversely as a result of the indictment.

(e) The Board of Directors may consider any other factors which, in the specific case, appear relevant to continuing a suspension order in effect, except that it shall not consider the ultimate question of the guilt or innocence of the subject individual with regard to the offense with which he has been charged.

§ 308.58 Removal and/or Permanent Prohibition.

In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Board of Directors may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board of Directors. A copy of such order will also be served upon such bank, whereupon such director or officer shall cease to be a director or officer of such bank. A finding of not guilty or other disposition of the charge will not preclude the Board of Directors from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in bank affairs, pursuant to the provisions of Section 8(e) of the Federal Deposit Insurance Act.

[FR Doc.77-33307 Filed 11-17-77;8:45 am]

[6714-01]

PART 308—RULES OF PRACTICE AND PROCEDURE

PART 311—RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Government in the Sunshine Act Amendments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: These provisions (1) amend the FDIC's implementing regulations for the Government in the Sunshine Act, and (2) implement the prohibitions against ex parte communications contained in the Sunshine Act. The amendments to Part 311 are designed to make clear that FDIC's Board considers the public interest before it closes a meeting and that individuals may photograph or record open meetings in a nondisruptive manner. The amendments to Part 308 prohibit ex parte communications between interested parties and individuals involved in the decisionmaking process during formal "on the record" hearings.

EFFECTIVE DATE: December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Mark Rosen, Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202–389–4637.

SUPPLEMENTARY INFORMATION: On August 15, 1977 (42 FR 41130) the FDIC published these amendments as a proposed rule, inviting public comment. One comment was received. This comment dealt with § 308.5(b–1), the prohibition against ex parte communications between interested parties and decision makers during formal adjudications. The commentator suggested that it is necessary to clearly identify which members of the FDIC staff are subject to the restrictions on ex parte communi-

cations. The commentator went on to state that small banks relied on the expertise of the FDIC staff and should not be prohibited from communicating with FDIC staff in matters such as applications for insurance or for branches.

It is important to remember that these prohibitions against ex parte communications only apply to formal "on the record" hearings, and the only such hearings conducted by the FDIC are its administrative enforcement proceedings under Section 8 of the FDIC Act (12 U.S.C. § 1818). Applications for insurance or branches are not covered by these prohibitions, and a bank may take advantage of staff expertise so long as undue influence is not exerted.

During formal "on the record" hearings, staff involved in the decision-making process may vary with the situation. Certainly the Board of Directors and the Administrative Law Judge will be involved in the decisional process. In some situations various advisors to the Board and staff will also be involved in the decision-making. Although this regulation cannot define who will be involved in the decision-making process in every instance, interested parties in a particular hearing may obtain from the FDIC the names of individuals involved in or reasonably expected to be involved in the decisional process of that hearing so that they may avoid running afoul of these prohibitions.

The only other changes are typographical corrections which require no comment.

Accordingly, Parts 308 and 311 of 12 C.F.R. are amended as set forth below.

By order of the Board of Directors, November 14, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

1. In § 311.2, paragraph (d) is amended to read as follows:

§ 311.2 Definitions.

* * * * *

(d) "Open to public observation" and "open to the public" mean that individuals may witness the meeting but not participate in the deliberations. The meeting may be recorded, photographed, or otherwise reproduced if the reproduction does not disturb the meeting.

* * * * *

(5 U.S.C. 552b, 12 U.S.C. 1819.)

§ 311.5 [Amended]

2. In § 311.5, paragraph (b)(1) is amended by adding the sentence "In deciding whether to close a meeting or portion of a meeting, the Board will consider whether the public interest requires an open meeting" after the word "action."

(5 U.S.C. 552b, 12 U.S.C. 1819.)

3. In § 308.5, a new paragraph (b–1) is added and paragraph (c) is revised to read as follows:

§ 308.5 Conduct of hearings.

* * * * *

(b–1) *Ex parte communications prohibited.*

(1) For purposes of this paragraph, "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports. The following prohibitions against ex parte communications apply from the time a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions apply from the time of acquisition of such knowledge.

(2) No interested person outside the Corporation shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to anyone who is or may reasonably be expected to be involved in the decisional process.

(3) No person who is or may reasonably be expected to be involved in the decisional process shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to any interested person outside the Corporation.

(4) If an ex parte communication is made, or is knowingly caused to be made, the following will be placed on the public record—

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses and memoranda stating the substance of all oral responses to the materials described in (i) and (ii).

(5) Upon receipt of a communication knowingly made or caused to be made in violation of paragraph (2), the responsible party may be required to show cause why his claim or interest should not be dismissed, denied, or otherwise adversely affected. To the extent consistent with the interests of justice and the policy of the Federal Deposit Insurance Act, a knowing violation of paragraph (2) may be grounds for a decision adverse to the responsible party.

(6) Except as authorized by law, the administrative law judge shall not consult any person or party within the Corporation on any fact in issue unless upon notice and opportunity for all parties to participate, and the administrative law judge shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. Except as authorized by law, no officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the administrative law judge except as a witness or counsel in the proceedings.

(c) *Prehearing conference.*

(1) The administrative law judge may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact and of contents and authenticity of documents;

(iii) Matters of which official notice will be taken; and

(iv) Other matters which may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

(2) The conference shall, at the request of any party, be recorded and at its conclusion, the administrative law judge shall enter in the record an order which recites the results of the conference. This order shall include the administrative law judge's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any. The order shall control the subsequent course of the proceedings, unless modified to prevent manifest injustice.

* * * * *

(5 U.S.C. 557(d), 12 U.S.C. 1819.)

[FR Doc.77-33310 Filed 11-17-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpoenas in Investigations

Correction

In FR Doc 77-32535 appearing at page 58518 in the issue of Thursday, November 10, 1977 the effective date now reading "November 30, 1977" should be corrected to read, "November 10, 1977".

[6750-01]

[Docket C-2904]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Frankart Distributors, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

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 New Rochelle, N.Y. furniture dealer and its affiliates to cease using the terms "carved" or "detailed carving" or any other similar terms to describe furniture which has not been cut or carved into shape. Further, the order requires the firms to make clear and conspicuous disclosures regarding the composition or

construction of their furniture, both in their advertising and on the furniture displayed in their showrooms.

DATES: Complaint and order issued October 13, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

John F. Dugan, Acting Director, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007, 212-264-1207.

SUPPLEMENTARY INFORMATION: On Thursday, August 11, 1977, there was published in the FEDERAL REGISTER 42 FR 40714 a proposed consent agreement with analysis In the Matter of Frankart Distributors, Inc., a corporation, Frankart Flushing, Inc., a corporation, Frankart-Fordham, Inc., a corporation, Frankart Westchester, Inc., a corporation, Frankart-New Rochelle, Inc., a corporation, Frankart Paramus, Inc., a corporation, Frankart Jamaica, Inc., a corporation, Frankart Kings, Inc., a corporation, Mallary, Inc., a corporation, doing business under that name and as Frankart-Grand Concourse, and Bernard Frankel, individually and as an officer of said corporations, 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, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.30 Composition of goods; § 13.95 Identity of product; § 13.135 Nature of product or service; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13-533-45 Maintain records; 13.533-45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods: —Goods: § 13.1590 Composition; § 13.1655 Identity; § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1845 Composition; § 13.1855 Identity; § 13.1870 Nature; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.-2063 Scientific or other relevant facts.

(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).)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-33342 Filed 11-17-77;8:45 am]

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

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 77F-0021]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Adhesives

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the food additive regulations to provide for the safe use of 4,4' - methylenebis(cyclohexylisocyanate), *N*-methyldiethanolamine, dimethyl sulfate, triethylamine, and dimethylolpropionic acid as additional reactants in the manufacture of polyurethane resins intended for use in food-packaging adhesives. A petition was filed by the Witco Chemical Corp. requesting such use.

DATES: Effective November 18, 1977; objections by December 19, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Notice was given in the FEDERAL REGISTER of June 3, 1977 (42 FR 28624), that a food additive petition (FAP 7B3286) had been filed by Witco Chemical Corp., 400 North Michigan Avenue, Chicago, Ill. 60611, proposing that § 175.105 Adhesives (21 CFR 175.105) be amended to provide for the safe use of the following additional reactants in producing polyurethane resins intended for use in food-packaging adhesives: 4,4'-methylenebis-(cyclohexylisocyanate), *N*-methyldiethanolamine, dimethyl sulfate, triethylamine, and dimethylolpropionic acid.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulation § 175.105 should be amended as set forth below to provide for the use of the petitioned additives.

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

§ 175.105 Adhesives.

* * * * * *

(c) * * *

(5) * * *

Polyurethane resins produced by: (1) reacting diisocyanates with one or more of the polyols or polyesters named in this paragraph, or (2) reacting the chloroformate derivatives of one or more of the polyols or polyesters named in this paragraph with one or more of the polyamines named in this paragraph, or (3) reacting toluene diisocyanate or 4,4'-methylenebis(cyclohexylisocyanate) [Chemical Abstracts Service Registry No. 5124-30-1] with one or more of the polyols or polyesters named in this paragraph and with either *N*-methyldiethanolamine [Chemical Abstracts Service Registry No. 105-59-9] and dimethyl sulfate [Chemical Abstracts Service Registry No. 77-78-1] or dimethylolpropionic acid [Chemical Abstracts Service Registry No. 4767-03-7] and triethylamine [Chemical Abstracts Service Registry No. 121-44-8].

* * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 19, 1977 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with pecularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective November 18, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: November 11, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-33219 Filed 11-17-77;8:45 am]

[4110-03]

[Docket No. 76F-0370]

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Antioxidants and/or Stabilizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the safe use of an antioxidant and/or stabilizer in adhesives and in rubber articles intended for repeated use. A petition was filed by the Goodyear Tire & Rubber Co. requesting such use.

DATES: Effective November 18, 1977; objections by December 19, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of September 24, 1976 (41 FR 41940), announced that a petition (FAP 6B3228) had been filed by Goodyear Tire & Rubber Co., Akron, Ohio 44316, proposing that § 178.2010 (21 CFR 178.2010) be amended to provide for the safe use of the butylated reaction product of *p*-cresol and dicyclopentadiene as an antioxidant and/or stabilizer in adhesives and rubber articles for repeated use.

The Commissioner, having evaluated data in the petition and other relevant material, concludes that § 178.2010 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 178 is amended in § 178.2010 in paragraph (b) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

* * * * *

Substances	*Limitations*
Butylated reaction product of *P*-cresol and dicyclopentadiene produced by reacting *p*-cresol and dicyclopentadiene in an approximate mole ratio of 1.5 to 1, respectively, followed by alkylation with isobutylene so that the butyl content of the final product is not less than 18 percent. * * *	For use only as components of nonfood articles complying with §§ 175.105 and 177.2600(c)(4)(iii) of this chapter * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 19, 1977 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective November 18, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: November 11, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-33220 Filed 11-17-77;8:45 am]

[4510-26]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1960—SAFETY AND HEALTH PROVISIONS FOR FEDERAL EMPLOYEES

Expansion of Subpart F—Field Federal Safety and Health Councils

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This rule establishes requirements and guidelines for the establishment, organization, and operation of Field Federal Safety and Health Councils to serve as local bodies assisting the Secretary of Labor in carrying out his obligations with respect to the implementation, on a local level, of effective occupational safety and health programs for Federal employees.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerard F. Scannell, Director, Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 2100 M Street NW., room 156, Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On October 9, 1974, Safety and Health Provisions for Federal Employees were published in the FEDERAL REGISTER as 29 CFR Part 1960 (39 FR 36454). Since that time, it has become apparent that more detailed guidance is necessary with respect to the procedures for establishing and operating field councils, provided for in § 1960.50 of Subpart F, Part 1960. On July 7, 1976, the Federal Advisory Council on Occupational Safety and Health (FACOSH) published notice in the FEDERAL REGISTER that a proposed expansion of Subpart F—Field Federal Safety and Health Councils, would be discussed at its public meeting on July 21, 1976 (41 FR 27881). FACOSH welcomed written data, views, and arguments concerning all agenda items, including the proposed expansion, and provided an opportunity for oral submissions.

At the July 21 meeting, FACOSH adopted recommendations that form the basis of the regulatory guidelines promulgated herein. With minor modifications, the guidelines recommended by FACOSH were adopted by the Assistant Secretary of Labor for Occupational Safety and Health as a proposed rule. The notice of proposed rulemaking was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47492). The notice invited interested parties to submit written data, views, and arguments on or before December 15, 1976. Comments were received from representatives of various federal agencies including the Department of the Army, the Department of Commerce, the Department of Defense, the Veterans Administration, regional offices of the Occupational Safety and Health Administration, and existing Field Federal Safety and Health Councils. Following the close of the comment period, a committee of FACOSH considered the comments received and, as a result, recommended changes to the proposed guidelines, which recommendations were submitted for approval at the June 1, 1977, public meeting of FACOSH. At that meeting, the committee-recommended changes were approved, with minor amendments, by FACOSH. With further minor modifications, the recom-

mended expansion of Subpart F as finally approved by FACOSH is published herein as final regulatory guidelines.

II. SUMMARY OF EXPANDED SUBPART F

This final rule revises the current § 1960.50 and adds six new sections to Subpart F.

The principal objective of expanded Subpart F is to set out guidelines and some requirements for the establishment, organization, and operation of Field Federal Safety and Health Councils. The councils, to be composed of representatives of local area Federal field activities and of employee organizations, are created to assist the Secretary of Labor, on a local level, in meeting his responsibilities with respect to occupational safety and health programs for Federal employees—under section 19 of the Occupational Safety and Health Act of 1970 (84 Stat. 1609, 1614; 29 U.S.C. 668, 673), sections 3(1) and 3(3) of Executive Order 11807, and Secretary of Labor's Order 8-76 (41 FR 25059).

Section 1960.50 describes the purpose for establishing Field Federal Safety and Health Councils.

Section 1960.51 describes the role of the Secretary of Labor in relation to other agency heads and to the field councils.

Section 1960.52 sets forth procedures for the continuation of existing field councils and for the establishment of new ones. After preliminary requirements are met, new field councils will be chartered by the Secretary of Labor.

Section 1960.53 outlines the various objectives of and functions to be served by field councils with respect to occupational safety and health in the Federal Government.

Section 1960.54 sets guidelines and requirements for the composition of each field council and outlines categories of membership and representation.

Section 1960.55 sets guidelines for the organizational structure of each field council.

Finally, § 1960.56 sets guidelines for the operation of field councils.

The emphasis, overall, is to give specific guidance to the field councils, with a measure of flexibility so that each field council may adequately respond to the particular Federal safety and health needs in its local area.

III. DISCUSSION OF MAJOR COMMENTS AND CHANGES

Virtually all of the comments received in response to the proposed expansion of Subpart F were favorable. There were no substantial objections to any of the proposed provisions. This consensus has existed throughout the formulation of these regulatory guidelines. In most instances, changes made at each step of the process have been of a grammatical and non-substantive nature. The guidelines finally recommended by FACOSH were unanimously approved both by the FACOSH committee that worked on development of the expanded subpart and by FACOSH itself.

While the comments indicated general agreement with all of the proposed provisions, several suggestions were, nevertheless, made in efforts to clarify the proposed provisions or to include additional provisions. Many of the provisions that commentators found to be unclear have been revised in order to achieve greater clarity. On the other hand, most of the suggestions that additional provisions covering new matters be adopted have been rejected on the grounds that they go beyond the intended scope of the guidelines, that they attempt to restrict the field councils in areas where greater flexibility is desirable, or that they are otherwise inappropriate or unnecessary.

Following is a discussion of the more significant differences between Subpart F as proposed in the notice of proposed rulemaking and Subpart F as promulgated herein:

(1) Several persons submitting comments expressed the opinion that the greatest problem confronting existing Field Federal Safety and Health Councils is a lack of participation by local agency establishments (also referred to as "local area Federal field activities") and employee organizations. The commentators correctly noted that this lack of active participation seriously hinders the effectiveness and successful utilization of field councils. In response to this problem, various suggestions were submitted about strengthening the provisions relating to reports on the extent of agency participation in field council activities. Those suggestions have been followed.

The two sections relating to reports by field councils to the Secretary of Labor and reports by the Secretary to agency heads are §§ 1960.51(a) and 1960.56(e). Those sections should be read in conjunction with each other and with the last paragraph of § 1960.50. Both §§ 1960.51(a) and 1960.56(e) have been substantially revised to emphasize the importance and the mandatory nature of these reporting requirements.

As promulgated, the provisions are designed to ensure active participation in field councils by all local Federal establishments within the area covered. Field councils are directed to include in their annual reports to the Secretary statements as to the degree of support they have received from each of the local Federal establishments within the area, including, in particular, the attendance records of field council members. The Secretary has undertaken the responsibility of compiling this information and of preparing reports to the agency heads to inform them of the extent to which local establishments within their agencies have supported field council activities. The Secretary has also undertaken the responsibility of maintaining liaison with the agency heads in a continuous effort to encourage agency participation in field councils. Finally, regulatory guidelines are issued herein to the heads of all Federal agencies stating that they should ensure that their local establishments are officially represented and actively participate in field councils and that they should encourage such official representation and active participation on the part of organizations representing their employees. Section 1960.50. In order to fulfill this obligation, agency heads are expected, upon receipt of a report from the Secretary of Labor indicating a lack of participation in field council activities on the part of the agency's local establishments, to take action to correct this situation through directives to their subordinates.

(2) In revising §§ 1960.51(a) and 1960.56(e), as discussed above, the auxiliary verbs have been changed from "should" to "will". The intent of these changes is to indicate that observing the provisions is required. Similarly, the auxiliary verbs in the first sentence of § 1960.52(c), in the introductory paragraph of § 1960.53 and in § 1960.54(b) were changed from "should" to "will".

Use of the mandatory auxiliary verb "will" in provisions directed to field councils is justified on the ground that said field councils are chartered by the Secretary of Labor for the purpose of assisting the Secretary in carrying out his responsibilities with respect to the development and implementation of effective safety and health programs at the local Federal establishment level. Compliance with certain minimal requirements is deemed necessary in order for field councils to be capable of rendering significant assistance to the Secretary. Accordingly, failure to comply with mandatory provisions using the term "will" constitutes grounds, at the discretion of the Secretary, for revoking a field council's charter.

Most of the provisions in Subpart F that are directed to field councils retain the auxiliary verb "should," e.g., provisions in §§ 1960.55 and 1960.56 relating to the organization and operation of field councils. Where the term "should" is used, field councils are granted sufficient flexibility to adapt the Secretary's guidelines to meet their own particular needs and circumstances. In all instances, however, field councils are expected to act in a manner that is consistent with the intent of the guidelines promulgated herein.

Other usages of the auxiliary verbs "will" and "should" in Subpart F are consistent with the usage of those terms throughout 29 CFR Part 1960. Thus, when the Secretary (or his representatives) is undertaking a responsibility toward agency heads or field councils, the auxiliary verb "will" has been used. When the Secretary is issuing a regulatory guideline directed to the heads of Federal agencies, the auxiliary verb "should" is used. The duty of agency heads to observe such guidelines is set forth in section 2(7) of Executive Order 11807.

(3) Section 1960.54(a) relates to the composition of field councils. It sets forth four categories of persons who should be represented (as members, alternates or associate members) on field councils. As written in the notice of proposed rulemaking, the operative language preceding the description of the four categories was, as follows: "The

categories of persons described hereinafter are eligible for membership on field councils." Upon reviewing the proposed rule, FACOSH concluded that the foregoing language is ambiguous in that the meaning of the term "eligible" is uncertain and the provision does not indicate who is to determine eligibility. Accordingly, FACOSH recommended substitution of the following sentence: "The membership will be composed of those individuals referred to in the following categories."

This recommendation has not been followed. The first sentence of § 1960.54 (a) indicates that members of field councils and their alternates are to be appointed by their respective activity (local establishment) heads. Yet, as drafted by FACOSH, the second sentence of § 1960.54(a) could indicate that all persons who meet the specifications of any of the four categories are automatically members of field councils. Accordingly, if the two sentences were read together, they would indicate that the local activity heads must appoint as members or alternates all persons who meet the specifications of any of the enumerated four categories. Such a provision is on its face totally infeasible. Clearly, such results could not have been intended.

Accordingly, the first and second sentences of § 1960.54 (a) have been combined and revised to read as follows: "Each field council will consist of representatives of local Federal activities appointed by their respective activity heads as members or alternates and selected from individuals in the following categories."

The intent of the guidelines is to grant to local agency establishment heads the discretion, within limits, to select the delegation from the agency that will represent the agency and its employees on the field council. The most significant limitation on this discretion is the duty under § 1960.54(a)(3) to consult and/or negotiate with employee representatives in selecting field council members who are representatives of labor unions and other local employee organizations. Other restrictions are implied in the categories themselves. Thus, there should be a fair balance between members who are selected because of their participation in occupational safety and health activities (categories 1 and/or 2) and members who are selected to represent employees (category 3). Moreover, as a general rule all persons who express an interest in actively participating in field council activities should be permitted to do so. As indicated in § 1960.54(b), a primary objective of field councils is to facilitate an exchange of ideas and information concerning safety and health. Accordingly, artificial maximum limitations on the sizes of delegations are discouraged in the guidelines. The only limitations as to size are those that may reasonably become necessary in order for the council to effectively carry out its functions. We note, however, that to date field councils have not been confronted with the problem of too many people wishing to participate. Therefore, at this point, maximum participation by as many persons as possible is the goal of the field council program.

(4) A proposal submitted by the Veterans Administration, Department of Medicine and Surgery, and concurred in by FACOSH, to revise § 1960.54(b) for the purpose of stating the prohibition therein with greater clarity has been adopted. The language suggested by the Veterans Administration has been substituted in the guideline herein promulgated in place of the language of the proposed provision.

(5) In response to a comment, FACOSH recommended deletion of the following sentence from § 1960.52(b) as written in the notice of proposed rulemaking: "Such representative of the Secretary of Labor will provide guidance and direction until the field council is well established." The comment noted, and FACOSH agreed, that the provision would create the unfortunate implication that assistance from the Secretary's field representatives would cease once a new field council was fully operative. This is not the Secretary's intent and accordingly the recommendation has been adopted and the sentence has been deleted from these final regulatory guidelines.

(6) One commentator noted that there was an apparent inconsistency in the proposed guidelines between the last sentence in § 1960.50(b) and the first sentence in § 1960.54(a)(3). Section 1960.50(b), as proposed, indicated that both recognized labor unions and other local employee organizations should be represented on field councils while § 1960.54(a)(3), as proposed, indicated that only representatives of recognized labor unions could be selected as members or alternates. In response to this and other comments indicating that representatives of local employee organizations should be eligible for membership on field councils, even though they have not been recognized for collective bargaining purposes, FACOSH recommended the addition of the phrase "or other employee organizations" to § 1960.54(a)(3). This recommendation has been adopted. Also in accordance with FACOSH's recommendation, both of the above mentioned provisions have been amended to indiciate that only civilian employee organizations should be represented on field councils.

(7) As written in the notice of proposed rulemaking, § 1960.53(f) would have imposed upon field councils the duty of studying local safety and health problems and suggesting approaches for eliminating them. One commentator expressed the opinion that field councils do not have the resources to conduct such studies and that, in any event, the Labor Department's Office of Federal Agency Safety and Health Programs should be responsible for conducting such studies. In response to this comment, FACOSH recommended substitution of the term "evaluate" in place of the term "study." This recommendation has been adopted. Field councils are expected to fully discuss local safety and health problems in an effort to assist their member agencies in developing solutions to such problems. However, they do not have a duty under these guidelines to conduct independent investigations of the hazardous or potentially hazardous conditions that are discussed.

(8) Other minor changes recommended by FACOSH and/or by persons submitting comments have also been adopted in the guidelines promulgated herein but do not warrant full discussion. For example, the authority of field councils to conduct evaluations of member agencies' safety and health programs has been limited to situations in which such an evaluation is requested by the agency. Section 1960.53(d). This change is consonant with the general intent of the guidelines that field councils act as advisory information-gathering and information-disseminating bodies rather than enforcement bodies. In § 1960.55(c), the term "Executive Committee" has been substituted for the term "Executive Board" as used in the proposal in order to obtain consistency with other provisions using the term "Executive Committee", e.g., § 1960.55(b). In § 1960.54 (a)(1), the category of membership has been captioned "Safety and health professionals" rather than "Safety professionals', as in the proposal, to indicate that health professionals should also be represented on field councils. Additional changes not discussed above were made for the purpose of correcting grammatical errors and/or achieving greater clarity in expression.

Accordingly, pursuant to section 19 of the Occupational Safety and Health Act of 1970 (84 Stat. 1609, 1614; 29 U.S.C. 668, 673), Secretary of Labor's Order 8–76 (41 FR 25059), and Executive Order 11807, sections 3(1) and 3(3), Part 1960 of Title 29, Code of Federal Regulations, is amended by expanding Subpart F—Field Federal Safety and Health Councils as follows:

Subpart F—Field Federal Safety and Health Councils

§ 1960.50 Purpose.

(a) Executive Order 11807 provides that the Secretary of Labor shall "facilitate the exchange of ideas and information throughout the Government with respect to matters of occupational safety and health through such arrangements as he deems appropriate."

(b) Consistent with this objective, the Secretary of Labor will continue to sponsor and/or provide guidance for those Field Federal Safety and Health Councils now established and in operation, and establish new field councils as necessary. The field councils will consist primarily of qualified representatives of local area Federal field activities whose duties pertain to occupational safety and health, and also of representatives of recognized local labor organizations, or other civilian employee organizations, at local area Federal field activities.

(c) Federal agency heads should ensure that their field activities are officially represented and actively participate in the programs of these councils.

In addition, agency heads should encourage official representation and active participation by employee organizations.

§ 1960.51 Role of the Secretary of Labor.

(a) The Secretary of Labor will maintain liaison with agency heads to ensure that they encourage their field activities to participate actively in field council programs. To ensure maximum participation, the field councils' annual reports to the Secretary of Labor will provide descriptions of the degree of participation and support received from Federal field activities. The Secretary of Labor will annually furnish each agency head with a report consolidating the information received as to the participation of the agency's several field installations in field council activities.

(b) The Secretary of Labor will provide leadership and guidance and make available necessary equipment, supplies, and staff services to the Field Federal Safety and Health Councils to assist them in carrying out their responsibilities. The Secretary of Labor will also, within his capability, provide consultative and technical services to field councils. These services may involve aid in any phases of developing and planning programs; and in sponsoring, conducting or supporting safety and health training courses.

§ 1960.52 Establishing a Field Federal Safety and Health Council.

(a) Those field councils established and in operation prior to the effective date of this subpart will continue to function without interruption unless it is the desire of local councils to merge for reasons that would make the council more effective.

(b) The Secretary of Labor may establish a Field Federal Safety and Health Council in any area where ten or more Federal establishments totaling 300 or more employees are located within an area having a radius of 50 miles. In any such area where there is no council already established, a field representative of the Secretary of Labor may, upon his own initiative or at the request of any establishment within the area, contact representatives of all establishments within the area and coordinate their efforts to organize a field council.

(c) After a new Field Federal Safety and Health Council has been organized, officers elected, and articles of organization drafted and accepted by the council membership, a formal request for recognition as a field council will be sent to the Secretary of Labor. Upon approval of the Articles of Organization, a charter will be issued.

§ 1960.53 Objectives.

The basic objective of field councils is to accomplish the greatest possible reduction in the frequency, severity and cost of occupational accidents, injuries, and illnesses in the Federal Government. Field councils will act on behalf of the Secretary of Labor or his designees on occupational safety and health activities in carrying out within their respective geographic areas the following functions:

(a) To act as a clearinghouse on information and data on occupational accidents, injuries, and illnesses and their prevention.

(b) To plan, organize, and conduct field council meetings or programs which will give technical advice and information to representatives of participating agencies and employee organizations.

(c) To promote improvement of safety and health programs and organizations in each Federal agency represented or participating in council activities.

(d) To promote coordination, cooperation, and sharing of resources and expertise to aid agencies with inadequate or limited resources. These objectives can be accomplished in a variety of ways. For example, field councils could organize and conduct training programs for collateral duty safety personnel, coordinate or promote programs for courtesy inspections, or, on request, conduct evaluations of the agencies' safety and health programs.

(e) To provide Federal Executive Boards, Federal Executive Associations, and labor union organizations with information on the administrative and technical aspects of safety and health management.

(f) To evaluate the safety and health problems peculiar to local conditions and suggest approaches to eliminating such problems.

(g) To develop a cooperative relationship with local community leaders by informing them of the existing functions and objectives of the council and by calling on them for support and participation in council meetings and activities.

§ 1960.54 Membership.

(a) Each field council will consist of representatives of local Federal activities appointed by their respective activity heads as members or alternates and selected from individuals in the following categories. Categories (1), (2) and (3) refer solely to Federal personnel meeting the prescribed qualifications.

(1) *Safety and health professionals.* This category of membership includes Federal personnel identified in § 1960.2(h). Upon request, agencies should provide field councils with rosters of their personnel holding those titles referred to in § 1960.2(h).

(2) *Related professions, occupations, or collateral duty personnel.* This category of membership includes persons employed in professions or occupations related to or concerned with safety and health of employees.

(3) *Representatives of recognized Federal labor or other employee organizations.* This category of membership includes representatives of recognized local labor organizations, if any, or other employee organizations representing civilian employees in each Federal field activity comprising the field council. Appointment of these members for attendance at meetings or participation in field council activities will be by their respective activity heads after consultation and/or negotiation with appropriate employee representatives. The term and conditions of service of each representative will be at the discretion of each representative's activity head. As used in this paragraph, the term "consultation and/or negotiation with appropriate employee representatives" shall include such consultation, conference or negotiation with representatives of Federal establishment employees as is consistent with Executive Order 11491, as amended, Executive Order 11636, or other collective bargaining arrangements. As used in this paragraph, the terms "recognized local labor organizations" and "appropriate employee representatives" should be interpreted with due regard for any obligation imposed by the aforementioned Executive Orders and any labor agreement that may cover the employees involved.

(4) *Representatives from nongovernment organizations.* Associate membership may be granted to any nongovernment individual who has demonstrated interest in occupational safety and health. An associate member has no voting rights and may not hold any office.

(b) A primary objective of the Field Federal Safety and Health Council is to facilitate an exchange of ideas and information with respect to health and safety. Accordingly, no maximum limitation will be imposed by a Field Federal Safety and Health Council on itself, under the articles of organization developed in accordance with § 1960.52(c), in regard to the numbers of personnel in any of the above categories that will be members and/or attend meetings and/or participate in field council activities.

(c) All officially designated members and representatives or their alternates shall have voting privileges and serve without additional compensation.

§ 1960.55 Organization.

(a) Field council officers should include as a minimum, a chairperson, vice chairperson, and secretary. Officers should be elected for a one or two-year term on a calendar year basis by a majority vote of the representatives present at a regularly scheduled meeting. Election of officers should be held at least 60 days before the beginning of a calendar year.

(b) There should be a Field Council Executive Committee consisting of all elected officers, chairpersons of appointed committees, the immediate past chairperson of the field council and a representative of employees who is a member of the field council who has been selected or elected by the union representatives who are members of the council. The executive committee should meet as necessary on the call of the chairperson.

(c) In order for the Executive Committee of the Field Council to be properly representative of the membership, it should not have more than two representatives from the same field activity.

(d) Committees may be appointed by the chairperson for specific purposes as warranted.

§ 1960.56 Operating procedures.

(a) The Executive Committee of each council should meet at least 45 days before the beginning of each calendar year and plan an annual program for the council designed to accomplish the objectives and functions stated in § 1960.53. Planning should include the establishment of necessary committees, types of programs and places of meetings to be held. Duties of all officers of the field council should be clearly established.

(b) The council program should include at least four general meetings per year.

(c) At the first general meeting of the council, committees should be appointed and the cooperation of all participants should be solicited to aid the functioning of committees and the successful accomplishment of the council's objectives.

(d) Meetings and other activities of the field council should be conducted as outlined in the council schedule.

(e) Each field council will submit to the Secretary of Labor or his designee by March 15 of each year a report describing the activities and programs of the previous calendar year and plans for the current year. In addition, the report will address the support provided by local agencies including representatives' attendance. The Office of Federal Agency Safety Programs—OSHA—will furnish guidelines to field councils in preparing their reports.

Signed at Washington, D.C., this 10th day of November 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-33401 Filed 11-17-77;8:45 am]

[1505-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL Doc. 811-4]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

1977 Clean Air Amendments To Prevent Significant Deterioration

Correction

In FR Doc. 77-31888 appearing at page 57459 in the issue of Thursday, November 3, 1977, on page 57461, in the fifth line of § 52.21(b)(8), the last word "subdivision" should read "subdivisions".

The document submitted for publication by the Environmental Protection Agency contained the statutory term "clauses". To meet the editorial style of the daily FEDERAL REGISTER and the Code of Federal Regulations, the Office of the Federal Register changed the statutory term "clauses" to "subdivision".

[4110-83]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Grants for Residency Training in General Internal Medicine or General Pediatrics

AGENCY: Public Health Service, HEW.

ACTION: Interim-Final regulations.

SUMMARY: The regulations establish requirements for grants to schools of medicine or osteopathy for projects to plan, develop, and operate approved residency training programs in internal medicine or pediatrics which emphasize training for the practice of general internal medicine or general pediatrics and to assist participating residents who plan to practice general internal medicine or general pediatrics.

DATES: These regulations are effective November 18, 1977.

Comments are invited, but must be received on or before January 17, 1978.

ADDRESSES: Written comments should be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Center Building, 4th Floor, Hyattsville, Md. 20782. All comments received will be available for public inspection and copying at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Daniel N. Masica, M.D., Bureau of Health Manpower, Room 4-44 at the above address, telephone 301-436-6424.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, Department of Health, Education, and Welfare, hereby adds a new Subpart FF, entitled "Grants for Residency Training in General Internal Medicine or General Pediatrics" to Part 57 of Title 42 of the Code of Federal Regulations.

A Notice of Intent to issue regulations for this program was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15433). Interested persons were invited to comment on the issues raised and several comments were received. They were taken into consideration in developing the regulations.

Because of the need to provide guidance to grantees and applicants under section 784 of the Public Health Service Act and in light of the public participation that has already taken place with respect to this grant program, the Secretary has determined pursuant to 5 USC 553 and Departmental policy that it would be impracticable and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these regulations.

Notwithstanding the omission of the proposed rulemaking procedures, interested persons are invited to submit written comments, data, views, and arguments relating to these regulations to the Director of the Bureau of Health Manpower at the address given above. All relevant material received on or before January 17, 1977 will be considered, and following the close of the comment period, the regulations will be revised as warranted by the public comments received. It is intended that any revision of the regulations will be published within 90 days of the close of the comment period.

The regulations as set forth below will be applicable and effective on November 18, 1977. Revisions thereto, although applicable to grants for residency training in general internal medicine or general pediatrics awarded after publication of these regulations, will be applicable only with respect to activities conducted under such grants on or after the date that the revisions become effective.

Accordingly, a new Subpart FF is added to 42 CFR Part 57 and is adopted as set forth below.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement Under Executive Order 11821 and OMB Circular A-107.

Dated: September 26, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: November 9, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart FF—Grants for Residency Training in General Internal Medicine or General Pediatrics

Sec.

57.3101 Applicability.
57.3102 Definitions.
57.3103 Eligibility.
57.3104 Application.
57.3105 Project requirements.
57.3106 Evaluation of applications.
57.3107 Grant award.
57.3108 Grant payments.
57.3109 Expenditure of grant funds.
57.3110 Nondiscrimination.
57.3111 Grantee accountability.
57.3112 Publications and copyright.
57.3113 Applicability of 45 CFR Part 74.
57.3114 Records, audit, and inspection.
57.3115 Additional conditions.

AUTHORITY: Sec. 215 Public Health Service Act, 58 Stat. 690 as amended by 63 Stat. 35 (42 U.S.C. 216); Sec. 784 Public Health Service Act, 90 Stat. 2315 (42 U.S.C. 295g-4).

Subpart FF—Grants for Residency Training in General Internal Medicine or General Pediatrics

§ 57.3101 Applicability.

The regulations of this subpart are applicable to the award of grants under section 784 of the Public Health Service Act (42 U.S.C. 295g–4) to schools of medicine and osteopathy to meet the costs of projects to (a) plan, develop and operate approved residency training programs in internal medicine or pediatrics, which emphasize the training of residents for the practice of general internal medicine or general pediatrics and (b) which provide financial assistance (in the form of traineeships and fellowships) to residents who are participants in any such program, and who plan to practice general internal medicine or general pediatrics.

§ 57.3102 Definitions.

As used in this subpart: (a) "Act" means the Public Health Service Act as amended.

(b) "Approved residency training program" or "program" is the entirety or that part of a residency training program which is fully or provisionally accredited by the Liaison Committee on Graduate Medical Education or approved by the American Osteopathic Association and which emphasizes the training of residents for the practice of general internal medicine or general pediatrics.

(c) "Budget period" means an interval of time into which the project period is divided for budgetary purposes, as specified in the grant award document.

(d) "Health manpower shortage area" means (1) an area designated under section 332 of the Act, or (2) prior to the designation of areas under section 332 of the act, an area designated as a critical health manpower shortage area under section 329(b) of the Act, as in effect on September 30, 1977.

(e) "Nonprofit school" means a school owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) "Practice of general internal medicine or general pediatrics" means a practice which is limited to adult or child and adolescent medicine respectively, and in which the physician:

(1) Serves as physician of first contact with the patient and provides a timely means of entry into the health care system;

(2) Evaluates the patient's health needs, provides personal health care and refers the patient, if indicated, to appropriate sources of health care while preserving the continuity of care;

(3) Assumes with the patient responsibility for the patient's longitudinal and comprehensive (including preventive and psycho-social) health care and acts as coordinator of the provision of health services to the patient;

(4) Considers the patient's health care within the context of his or her environment including the community and family or comparable social units; and

(5) Where applicable, plans and shares the above functions with other physicians.

(g) "Project director" means a fully licensed physician on the faculty of the grantee, designated by the grantee in the grant application and approved by the Secretary to direct the project being supported under this subpart.

(h) "Project period" means the total time for which support for a project has been approved, including any extensions thereof.

(i) "School of medicine or osteopathy" means a public or private nonprofit school which provides training leading respectively to a degree of doctor of medicine or to a degree of doctor of osteopathy and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education. A school which by reason of an insufficient period of operation is not eligible for such accreditation at the time it applies for a grant under this subpart will be considered accredited for purposes of this definition if the Commissioner of Education finds there is reasonable assurance that the school will meet the accreditation standards of such body or bodies before the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

(j) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(k) "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 57.3103 Eligibility.

Any school of medicine or osteopathy located in a State may apply for a grant under this subpart.

§ 57.3104 Application.

(a) Each applicant desiring a grant under this subpart must submit an application in such form and at such time as the Secretary may prescribe.[1]

(b) The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award including the regulations of this subpart.

(c) In addition to such other pertinent information as the Secretary may require, an application for a grant under this subpart must contain the following:

(1) A proposal for a project to plan, develop, and operate an approved residency training program or programs in internal medicine or pediatrics, or both, (i) which emphasizes the training of residents for the practice of general internal medicine or general pediatrics and (ii) which may provide financial assistance to residents who are participants in any such program and who plan to practice general internal medicine or general pediatrics.

(2) A statement of specific attainable and measurable objectives for the proposed project consistent with the purposes of section 784 of the Act.

(3) A detailed plan for achieving and measuring the achievement of the stated objectives of the proposed project.

(4) A detailed timetable for carrying out the activities of the proposed project, including any plans for continuing such activities beyond the project period.

(5) A description of the resources to be used by the applicant for the conduct of the proposed project, including faculty, staff, equipment, facilities, and appropriate clinical practice settings (including those which are used to meet the requirements of § 57.3105(k) and (m).

(6) A description of the type and amount of training to be offered to residents in each year of each residency program in accordance with the requirements of § 57.3105, with special attention to the requirements of § 57.3105(*l*).

(7) The number of residents to be enrolled in each program, at each level of training, for each year of the project period.

(8) A detailed budget for the proposed project and a justification of the amount of grant funds requested.

(9) If stipend support is requested by an applicant to provide a portion of the salary of residents enrolled in the program, documentation showing that income available from alternative sevices, including income derived from the services of the residents in the program, will be insufficient to pay their salaries and that grant funds will not be used to supplant other available funds.

§ 57.3105 Project requirements.

A project supported under this subpart must be conducted in accordance with the following requirements:

(a) The project must be conducted in accordance with section 784 of the Act, the regulations of this subpart, the terms and conditions of the award and the approved application.

(b) Each program must have a residency program director.

(c) An individual with relevant experience or training must be responsible for curriculum development and evaluation for each program.

(d) Faculty members experienced in the practice of general internal medicine or general pediatrics must participate as instructors at principal training settings.

[1] Applications and instructions are available from the Director, Division of Medicine, Bureau of Health Manpower, Health Resources Administration, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

(e) Individual(s) with formal education in behavioral sciences must participate in the preparation and implementation of the curriculum and in clinical consultation.

(f) The grantee must utilize a resident recruitment and selection process which assures that residents in the program have applied specifically for training in a program that emphasizes the practice of general internal medicine or general pediatrics.

(g) Financial assistance from grant funds may be provided only to residents who have signed statements of their intention to specialize or work in the practice of general internal medicine or general pediatrics.

(h) Each program of a school of medicine must have at least four residents in training by the beginning of the second year of Federal support, and must have at least 12 residents or 50 percent of the total number, respectively, of internal medicine or pediatrics residents at the school, whichever is the lesser, in training by the beginning of the fourth year of Federal support.

(i) Each program of a school of osteopathy must have at least two residents in training by the beginning of the second year of Federal support; by the beginning of the fourth year of Federal support, 3-year programs must have at least six residents in training, and 2-year programs must have at least four residents.

(j) Each program must plan to have its residents distributed equally among the various training levels when it is fully operational.

(k) Each program must use one or more ambulatory care training settings which:

(1) Attract patients for primarily longitudinal and comprehensive (including psychosocial and preventive) health care;

(2) Organize personnel, including residents, into functional units providing comprehensive health services and provide residents with experience working with various types of health personnel;

(3) Have systems for referring patients to other specialists, and subspecialists, which assure coordination with the patients' own practitioners of general internal medicine or general pediatrics;

(4) Use an appointment system which facilitates the assignment of patients to their practitioner of general internal medicine or general pediatrics or to a particular team of practitioners; and

(5) Use a medical record system which: (i) Gives practitioners of general internal medicine or general pediatrics ready access to a patient's medical records including data relating to members of the patient's family which is pertinent to the patient's care,

(ii) Is suitable for audit, and

(iii) Assures systematic review of the records.

(l) Each resident must serve a panel of patients and/or families who recognize him or her as their provider of longitudinal and comprehensive (including preventive and psychosocial) health care. The panel must be sufficiently numerous and varied to provide the resident with broad clinical experience. A resident's activities for this panel of patients must:

(1) Comprise at least 10 percent of his or her total training time (excluding vacation time) during each year in the program (i.e., at last one-half day per week);

(2) Comprise at least 25 percent of his or her total training time (excluding vacation time) for the entire residency training period;

(3) Be scheduled in at least nine months of each year of training; and

(4) Be scheduled principally in ambulatory care settings described in paragraph (k) of this section.

(m) Each program must offer ambulatory care training relevant to general internal medicine or general pediatrics in settings such as emergency rooms and specialty clinics.

(n) Each program must have a planned curriculum which:

(1) Supplements the residents inpatient and ambulatory patient care experiences with related educational activities such as courses, presentations, discussions, and reading assignments;

(2) Emphasizes subjects pertaining to;

(i) Ambulatory care;

(ii) Psychological skills; and

(iii) Non-clinical areas relevant to the practitioner of general internal medicine or general pediatrics; and

(3) Is annually evaluated, using previously established criteria and objectives, in a manner which includes the participation of residents.

§ 57.3106 Evaluation of applications.

(a) The Secretary, after consultation with the National Advisory Council on Health Professions Education, will approve or disapprove all applications filed in accordance with § 57.3104, taking into consideration, among other pertinent factors:

(1) The potential effectiveness of the proposed project in carrying out the training purposes of section 784 of the Act and this subpart;

(2) The degree to which the proposed project adequately provides for the project requirements set forth in § 57.3105;

(3) The administrative and management capability of the applicant to carry out the proposed project in a cost-effective manner;

(4) The qualifications of the proposed staff and faculty;

(5) The potential of the project to continue on a self-sustaining basis.

(b) In determining the priority for funding of applications approved under paragraph (a) of this section, the Secretary will consider (1) the relative merit of the proposed project based upon the factors in paragraph (a) of this section, and (2) the extent to which a proposed project contains any of the following elements:

(1) Substantial training experience in settings which exemplify interdependent utilization of various types of health personnel.

(2) Coordination of administrative and educational resources to be used by a program of general internal medicine and a program of general pediatrics which are both to be conducted in a single institution within a single project.

(3) Substantial portions of a project conducted in a health manpower shortage area(s), and in particular, in a health manpower shortage area(s) which is located in a Standard Metropolitan Statistical Area, as defined by the Office of Management and Budget.

§ 57.3107 Grant award.

(a) *General.* (1) Within the limit of funds available for such purpose, the Secretary may award grants to those applicants whose projects will, in his judgment, best promote the purposes of section 784 of the Act, as determined in accordance with § 57.3106.

(2) The provisions of paragraphs (c) (d) and (e) of 42 CFR 57.2906 shall apply to grants made under this subpart.

(b) *Determination of grant amount.* The provisions of paragraph (b) of 42 CFR 57.2906 shall apply to grants made under this subpart. In addition, in determining the amount of stipend support to be made available, the amount of any stipend must be limited to that portion of the annual amount normally paid to other residents by the applicant which the Secretary determines, on the basis of the documentation required in the application, cannot reasonably be paid from other available funds, including the incomes derived by the hospital from the residents' services.

§ 57.3108 Grant payments.

Payments to a grantee of a grant award will be made in accordance with 42 CFR 57.2907.

§ 57.3109 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart as well as other funds required as a condition of the grant to be used in the performance of the approved project may be expended solely for carrying out the approved project in accordance with section 784 of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74. However, such funds may not be expended for sectarian instruction or for any religious purpose.

(b) The provisions of paragraph (c) of 42 CFR 57.2908 shall apply to grants made under this subpart.

§ 57.3110 Nondiscrimination.

The provisions of 42 CFR 57.2909 shall apply to grants made under this subpart.

§ 57.3111 Grantee accountability.

(a) *Accounting for grant award payments.* The provisions of paragraph (a)

of 42 CFR 57.2910 shall apply to grants made under this subpart.

(b) *Accounting for Copyright royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant must be accounted for as follows:

(1) Royalties received during the period of grant support may be retained by the grantee and, in accordance with the terms and conditions of the grant, used in either or both of the following ways:

(i) Used by the grantee for any purposes that further the objectives of section 784 of the Act.

(ii) Deducted from the total project costs for the purpose of determining the net costs on which the Federal share of costs will be based.

(2) Royalties received after the completion or termination of grant support may be retained by the grantee, unless the terms and conditions of the grant or a specific agreement negotiated between the Secretary and the grantee provide otherwise.

(c) *Grant closeout.* The provisions of paragraph (c) of 42 CFR 57.2910 shall apply to grants made under this subpart.

§ 57.3112 Publications and copyright.

The provisions of 42 CFR 57.2911 shall apply to grants made under this subpart.

§ 57.3113 Applicability of 45 CFR Part 74.

The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, apply to all grants awarded under this subpart:

A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-related Income.
F Matching and Cost Sharing.
K Grant Payment Requirements.
L Budget Revision Procedures.
M Grant Closeout, Suspension, and formulation.
O Property.
Q Cost Principles.

§ 57.3114 Records, audit, and inspection.

The provisions of 42 CFR 57.2914 shall apply to grants made under this subpart.

§ 57.3115 Additional conditions.

The provisions of 42 CFR 57.2913 shall apply to grants made under this subpart.

[FR Doc.77-33095 Filed 11-17-77;8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ser. Or. No. 1286]

PART 1033—CAR SERVICE

Erie Western Railway Co. Authorized To Operate Over Tracks of Chicago and Western Indiana Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1286).

SUMMARY: Operations of the Erie Western (EW) line between Hammond, Indiana, and North Judson, Indiana, will commence October 15, 1977. To affect interchange of cars between the EW and The Belt Railway of Chicago and its connections, it is necessary for the EW to operate over tracks of the Chicago and Western Indiana between State Line Tower at Hammond and Pullman Junction, Illinois, where connections are made with the Belt Railway of Chicago. Service Order No. 1286 authorizes the EW to operate over the Chicago and Western Indiana between these points.

DATES: Effective 11:59 p.m,. November 15, 1977. Expires 11:59 p.m., May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The order is printed in full below:

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of November 1977.

By Service Order No. 1275 the Erie Western Railway Company (EW) was authorized to operate over the lines of the former Erie Lackawanna Railroad Company (EL) between North Judson, Indiana, and EL milepost 249.6 at State Line Tower (Hammond), Indiana. Operation by the EW over tracks of the Chicago and Western Indiana Railroad Company (CWI) between State Line Tower and a connection with The Belt Railway Company of Chicago (BRC) at Pullman Junction, Illinois, is required to enable the EW to interchange cars with that line and through the BRC with all other carriers entering the Chicago, Illinois, switching district (Chicago). Establishment of interchange arrangements between the EW and the BRC and its connections is essential to the prompt and direct movement of traffic between shippers served by the EW and shippers located in and beyond Chicago. In the opinion of the Commission, operation by the EW over these tracks of the CWI is necessary in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That: (a) § 1033. 1286 Service Order No. 1286 *The Erie Western Railway Company authorized to operate over tracks of Chicago and Western Indiana Railroad Company.* The Erie Western Railway Company (EW) is hereby authorized to operate over tracks of the Chicago and Western Indiana Railroad Company (CWI) between its connection with that line at State Line Tower, Hammond, Indiana, and a connection between the CWI and The Belt Railway Company of Chicago at Pullman Junction, Illinois.

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

(c) *Rates applicable.* Inasmuch as this operation by the EW over tracks of the CIW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the EW over the tracks of the CIW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Nothing herein shall be considered as a pre-judgement of the application of the EW seeking authority to operate over tracks of the CIW.

(e) *Effective date.* This order shall become effective at 11:59 p.m., November 15, 1977.

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

(49 U.S.C. 1 (12), (15), (16), 17(2))

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

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

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

[FR Doc.77-33399 Filed 11-17-77;8:45 am]

[7035-01]

[S. O. No. 1279, Amdt. 3]

PART 1080—CONTRACTS, FORWARDERS—MOTOR COMMON CARRIERS

Freight Forwarders of Export Traffic Authorized To Operate to Any Availabie Atlantic or Gulf Coast Port in the United States and to Any Port in Dominion of Canada

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 3 to Service Order No. 1279).

SUMMARY: Freight forwarders of export freight are unable to operate in the ports designated by their operating permits because of a labor dispute at Atlantic and Gulf ports. Service Order No. 1279 authorizes these freight forwarders to operate through any available Atlantic or Gulf port or through any available Canadian port. Amendment No. 3 extends Service Order No. 1279 until November 30, 1977.

DATES: Effective 11:59 p.m., November 15, 1977. Expires 11:59 p.m., November 30, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The order is printed in full below:

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of November 1977.

Upon further consideration of Service Order No. 1279 (42 FR 54552, 55819 and 57692), and good cause appearing therefor:

It is ordered, That: § *1088.1279 Service Order No. 1279* (Freight Forwarders of Export Traffic authorized to operate to any available Atlantic or Gulf Coast Port in the United States and to any Port in Dominion of Canada) is amended by substituting the following paragraph (e) for paragaph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 15, 1977.

(49 U.S.C. 1 (16), 17(2), 420)

It is further ordered, That copies of this order shall be served upon all freight forwarders; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

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

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

[FR Doc.77-33400 Filed 11-17-77;8:45 am]

[6315-01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6910-1b]

PART 1069—GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CSA Grantees and Delegate Agencies

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing its final rule governing grantee travel. CSA has a need to better control long-distance travel by grantees. This rule extends the area within which grantees may travel without prior approval from within their community to within the Federal Region in which they are located but eliminates the exceptions to the requirements for prior CSA approval for travel to meetings of professional associations, to interview prospective employees or procure services, supplies, or equipment.

DATES: This rule is effective November 18, 1977.

Any travel out-of-Region which will be undertaken after December 15, 1977 must be in compliance with this rule and its procedures. This includes travel for which commitments have been made prior to December 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Jacqueline G. Lemire, 202–254–5047.

SUPPLEMENTARY INFORMATION: On September 16, 1977 the Community Services Administration published a proposed rule in the Federal Register (42 FR 46559) which proposed revising its current travel regulations by requiring prior approval for out-of-state travel and eliminating all exceptions other than travel in response to an invitation from CSA and travel within a 50-mile radius of the District of Columbia. Comments received prior to October 20, 1977 were to be considered in drafting the final rule. (Note: CSA did not consider unsigned comments acceptable.)

In addition to 272 comments received from the citizens of Buffalo, N.Y., 61 were received from Community Action Agencies, two from Community Development Corporations, four from Limited Purpose Agencies, eleven from State Economic Opportunity Offices, and three from NACD Regional Affiliates.

Only two of these responses were in agreement with the proposed regulation. The majority of the general comments dealt with four areas: (1) the fact that requiring approval for out-of-state travel would hamper legitimate grant activities such as responding to Congressional requests to testify, grantsmanship and resource mobilization, use of consultants from out-of-state, caucusing on major regional or national issues; (2) that it would give unfair advantage in mobilizing Federal funds to grantees operating in the states where Federal Regional Offices are located; (3) that it would cause delays of up to three months and grantees would be immobilized in trying to respond to situations/meetings of which they have been given short notice; and (4) that it conflicts with OMB Cost Principles and OMB Circular A–110.

Specific recommendations included the following: The need for procedures was highlighted and a number of grantees suggested that prior approval be achieved by submitting requests in the travel budget and/or in the work program and that approval authority be delegated to the Regional Offices. Other recommendations included exemptions for meetings with Regional Offices, attendance at CSA-sponsored training events and permission for grantees located on bordering states to travel within a 100 mile radius. There also were suggestions that the out-of-state restriction be dropped and replaced by requirements limiting mileage, number of trips and number of people; by a limit on funds which could be spent on out-of-state travel based on percentage of total funding; by a requirement for prior approval where total estimated cost exceeds $1,000, etc.

As a result of these comments CSA has concluded that although the majority of its grantees are funded to operate programs and to advocate for poor people within certain geographical boundaries, i.e. two or three counties, a city, a number of towns in New England, etc., that there is much legitimate, grant-related business which requires them to travel beyond their respective communities and states—too many and varied circumstances, in fact, to deal with effectively by a series of exceptions. Therefore the rule has been revised to deal with this concern and section 1069.3–5 provides that any grant-related travel is permissible within the limits of the Federal Region in which a grantee is located without CSA approval.

Although out-of-Region travel must be approved by CSA exceptions have been added in response to concerns raised regarding Congressional invitations to testify and the problems presented when a grantee's headquarter boarders another Federal Region. (See § 1069.3–5(a)(2)(i), (ii,) and (iii).)

Procedures have been included to define what constitutes "prior approval." It was never CSA's intent, although it was not communicated in the proposed rule, to require a separate approval for each trip or to substitute present Regional Office approval with Headquarters level approval for regionally-administered grants. § 1069.3–6 explains that "prior approval" will be a part of the budget approval process and, therefore, the review will be by Regional Offices for regionally-administered grants and Headquarters for grants which it administers. CSA has confirmed that the procedures in this section are within the constraints of existing CSA policy and in line with the cost principles delineated in FMC 73–8 and FMC 74–4.

Grantees should also note that the maximum payment for mileage has been changed from 15½ cents a mile to 17 cents to reflect a change in the SGTR. This mileage change is being made retroactive to September 18, 1977.

Grantee officials responsible for approving travel, whether staff or board members, should take notice of the suggested review criteria in § 1069.3–4(c).

Grantees are reminded that the travel rules promulgated herein are applicable to all categories of grantees under all titles of the Act, i.e. Titles II, III–B, VII.

CSA thanks everyone who took the time to respond to the proposed regulations. Only through such a process can CSA arrive at a position where a balance is reached which enables a Federal Agency to fulfill its oversight responsi-

bilities as a grantor agency and simultaneously, reflects the needs, concerns, and realities of operating programs at the local level. CSA hopes there will continue to be such active grantee participation in its rule-making process.

FRANK N. JONES,
Director.

45 CFR 1069.3-1 through 1069.3-6 is amended as follows:

Subpart—Travel Regulations for GSA Grantees and Delegate Agencies

Sec.
1069.3-1 Travel covered by rule.
1069.3-2 Policy.
1069.3-3 Accounting for travel funds.
1069.3-4 General travel regulations.
1069.3-5 Limitations on travel.
1069.3-6 Procedures.

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart—Travel Regulations for GSA Grantees and Delegate Agencies

§ 1069.3-1 Travel covered by rule.

Any travel out-of-Region undertaken after December 15, 1977 must be in compliance with this rule and its procedures. This includes travel for which commitments have been made prior to December 15, 1977.

§ 1069.3-2 Policy.

(a) All grantees and delegate agencies are required to follow the travel policies set forth in the Standardized Government Travel Regulations (SGTR). However, when a grantee or delegate agency has existing travel policies that are more restrictive than those in the SGTR, or when the grant contains more restrictive limitations, the more restrictive policies should be followed.

(b) The governing or administering board of each grantee or delegate agency shall approve its written travel regulations and designate responsible officials to assure that the regulations comply with the requirement of this rule and are adhered to by employees when using grant funds (including the required non-Federal share) to pay for their travel.

(c) In common with other expenditures, payments for travel are subject to audit by independent licensed public accountants and Federal auditors. Expenditures for travel which fail to meet the requirements of this rule may be questioned as proper charges against grant funds. Grantees are responsible for providing the documentation needed to prove that questioned travel expenditures were reasonable and necessary.

(d) In addition, grant funds may not be used to reimburse costs incurred for travel which violate any CSA Instruction or grant condition. Particular attention is directed to the limitations on travel for the purpose of lobbying set forth in § 1069.6 and to the authorized uses for project vehicles discussed in § 1071.30 through § 1071.91.

§ 1069.3-3 Accounting for travel funds.

All grantee or delegate agency payments for travel by employees, consultants and members of governing or administering boards must be authorized in advance and must be supported by properly approved invoices covering both travel and, if applicable, per diem. Suggested forms for this purpose are attached.

§ 1069.3-4 General travel regulations.

(a) Contents of grantee travel rules. (1) General travel regulations issued by grantees and delegate agencies should contain the restrictions set forth as follows:

(i) Where a grantee or delegate agency has a previously established travel policy which contains requirements that are more restrictive than those of the SGTR, the more restrictive requirements shall be followed.

(ii) Mileage costs for use of privately owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates exceed 17 cents a mile. (Effective for travel performed on or after September 18, 1977.)

(iii) Less than first-class travel accommodations shall be used in all instances except the following:

(A) These accommodations do not exist or are not available within a reasonable time;

(B) Less than first-class would result in higher overall cost because of required routing, time urgency, baggage differential or other factors;

(C) Physical condition of the traveler or other extenuating circumstances require the use of first-class.

(2) The reason(s) for traveling first-class must be shown on travel vouchers submitted for reimbursement.

(b) Advance Approval by Grantee Official. Grantee and delegate agency travelers shall have their travel authorized in advance in accordance with their organization's rules on the subject. The authorization shall include a brief explanation of the purpose of the trip, destination, and period during which the travelers will be in travel status. Reimbursements for travel expenses should be supported by vouchers that show the name of the individuals who traveled and refer to the authorization that approved the travel.

(c) Review Criteria for Approving Travel. The grantee official responsible for approving travel should consider the following guidelines in reviewing travel requests:

(1) Attendance at meetings, conferences, conventions and symposia should be limited to programs where:

(i) there is a direct benefit to the achievement of an objective related to the agency's mission and the objectives of the Economic Opportunity Act and

(ii) fees are in line with actual costs.

(2) Attendance should not be authorized when the primary benefit is to the individual employee rather than to the accomplishments of the agency's mission. There should be a direct relationship to the position held by the employee in the agency.

(3) Attendance should not be authorized in lieu of personnel benefits, incentives, or reward for past or present performance.

(4) The number of participants from an agency should be limited to the minimum required to meet program objectives or to relate the information obtained where the purpose of the meeting is the dissemination of information relevant to the achievement of the Agency's mission.

(d) General Travel Authorization. Local travel expenses for persons whose positions require daily or intermittent travel should be covered by a general travel authorization and should only be reimbursed after presentation of a local travel expense statement submitted at regular intervals.

(e) Program Year In Which Costs Are To Be Charged. When program personnel are in a travel status through the ending date of a program year and into a new program year, the cost of their transportation shall be charged to the period in which the tickets for their travel were purchased. However, mileage, per diem, and other expenses reimbursed to a traveler shall be charged to the proper program year grant in accordance with the days in which the expenses were incurred and the per diem was due.

§ 1069.3-5 Limitations on travel.

(a) *Policy.* (1) Grantees may use CSA grant funds for costs incurred for travel by grantee and delegate agency employees, consultants, and members of governing and administering boards within the geographical limits of the Federal Region in which they are located without prior CSA approval when the travel is in furtherance of the grantee's work program and/or the objectives of the Economic Opportunity Act. EXCEPTION: All travel to places outside the limits of the 48 continental United States requires prior approval as outlined in 3-6(b). Of course, travel is permitted between Puerto Rico and the Virgin Islands and similarly between Micronesia (the Trust Territories) and Guam.

(2) Travel outside of the Region may be undertaken without prior approval if the travel meets the conditions outlined in (2) (i), (ii), and (iii) and meets the geographical limitations in (a) (i).

(i) Travel in response to a specific invitation from CSA Headquarters or a Regional Office to attend a conference or meeting;

(ii) Travel in response to a specific invitation from a Congressional Committee; and

(iii) Travel within a 50 mile radius of a grantee's or delegate agency's Headquarters.

All other travel outside the Region must be specifically approved in advance by CSA before reimbursement of grant funds is authorized.

§ 1069.3-6 Procedures.

(a) Approval of out-of-Region travel is to be requested by including the travel costs in the budget submission (Form 25 or 325) at time of funding or refunding.

Out-of-Region travel costs should be set forth on the accompanying Form 25a or 325a (budget support sheets) in the following categories: Conferences; Training; Miscellaneous.

(b) For Non-Profit Grantees: Approval must be obtained for any changes in these categories in accordance with the travel provisions of FMC 73–8, Cost Principles for Educational Institutions, including the following:

(1) Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

(2) Expenditures for domestic, i.e. out-of-Region, travel may not exceed $500, or 125 percent of the amount allotted for such travel by CSA, except with approval.

(c) For Public Grantees: The cost principles delineated in FMC 74–4 apply to travel. For out-of-Region travel, the Community Services Administration considers that public grantees will, as its authorized representatives, administer out-of-Region travel in accordance with the principles enunciated herein.

(d) Requests for changes will be submitted in the same manner as the initial budget request.

(e) In the event CSA determines that travel by a grantee employee or employees is necessary as discussed in § 1069.3–5(a)(2)(i), and sufficient funds for such travel are not available within the grant, the CSA office issuing the invitation may directly reimburse the grantee employee for the travel costs incurred. However, when such payments are made, the CSA office must inform the grantee involved, in writing, that the employee(s) has been reimbursed for the travel costs and that no additional reimbursement is authorized. Grantees are cautioned that they are responsible for establishing the controls needed to prevent duplicate payments for travel in such instances.

[FR Doc.77–33458 Filed 11–17–77;8:45 am]

[6325–01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Executive Asssitant to the Administrator, Economic Regulatory Administration, is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3331(e)(2) is added as set out below:

§ 213.3331 **Department of Energy.**

* * * * *

(e) *Office of the Administrator of the Economic Regulatory Administration.*

* * * * *

(2) One Executive Assistant to the Administrator.

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

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

[FR Doc.77–33280 Filed 11–17–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one Private Secretary to the Senior Vice President for Exporter Credits, Guarantees and Insurance, to Secretary (Stenography) to the Senior Vice President for Exporter Credits, Guarantees and Insurance. This change in title is appropriate to more accurately reflect the duties of the position.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3342(i) is amended as set out below:

§ 213.3342 **Export-Import Bank of the United States.**

* * * * *

(i) One Secretary (Stenography) to the Senior Vice President for Exporter Credits, Guarantees and Insurance.

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

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

[FR Doc.77–33281 Filed 11–17–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect a reorganization consisting of the relocation of the Executive Secretariat from the Office of the Secretary to the Office of the Assistant Secretary for Administration and also, the transfer of all relevant Schedule C positions to the latter organization which is now identified by separate headnote.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(a)(49), (55) and (66) are revoked and (n) is added as set out below:

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.*

* * * * *

(n) *Office of the Assistant Secretary for Administration.*

(1) Two Special Assistants and one Secretary to the Assistant Secretary.

(2) One Director, Executive Secretariat.

(3) One Staff Assistant to the Director, Executive Secretariat.

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

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

[FR Doc.77–33288 Filed 11–17–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One additional position of Special Assistant to the Assistant Secretary for Occupational Safety and Health is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315(a)(22) is amended as set out below:

§ 213.3315 **Department of Labor.**

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

(22) Four Special Assistants to the Assistant Secretary for Occupational Safety and Health.

* * * * *

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

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

[FR Doc.77–33282 Filed 11–17–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one position of Confidential Assistant to the Deputy Under Secretary for International Affairs to Staff Assistant to the Deputy Under Secretary for

International Affairs. This change in title is appropriate to reflect the current duties of the position.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315 (a) (16) is amended as set out below:

§ 213.3315 Department of Labor.

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

(16) One Staff Assistant and one Executive Assistant to the Deputy Under Secretary for International Affairs.

* * * * *

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

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

[FR Doc.77-33286 Filed 11-17-77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Associate Administrator for Policy and Program Development, Urban Mass Transportation Administration, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling,
202–632–4533.

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

§ 213.3394 Department of Transportation.

* * * * *

(f) *Urban Mass Transportation Administration.* * * *

(6) One position of Special Assistant to the Associate Administrator for Policy and Program Development.

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

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

[FR Doc.77-33283 Filed 11-17-77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Intergovernmental Liaison Specialist is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3394(a) (50) is added as set out below:

§ 213.3394 Department of Transportation.

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

(50) One Intergovernmental Liaison Specialist.

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

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

[FR Doc.77-33284 Filed 11-17-77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one position of Staff Assistant to the Assistant Secretary for Administration to Staff Assistant to the Assistant Secretary (Administration). This change in title is appropriate to reflect the current title of the superior. One position of Special Assistant to the Assistant Secretary (Administration) is also expected under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3305(a) (39) is amended as set out below:

§ 213.3305 Department of the Treasury.

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

(39) One Staff Assistant and one Special Assistant to the Assistant Secretary (Administration).

* * * * *

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

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

[FR Doc.77-33285 Filed 11-17-77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

U.S. Water Resources Council

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Confidential Secretary, to the Director, U.S. Water Resources Council, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3369 is added as set out below:

§ 213.3369 U.S. Water Resources Council.

(a) One Confidential Secretary to the Director.

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

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

[FR Doc.77-33287 Filed 11-17-77;8:45 am]

[3410–05]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1977 BURLEY TOBACCO GRADE LOAN RATES

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule provides the schedule of grade loan rates which will be used for 1977 crop burley tobacco. This rule is needed to provide the statutory level of support for 1977 crop burley tobacco. Eligible burley tobacco may be delivered for price support at the specified rates.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert P. Hieronymus, Price Support and Loan Division, ASCS, USDA, 202–447–7954.

SUPPLEMENTARY INFORMATION: On October 12, 1977, Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER (42 FR 54950–54951) a proposed schedule of grade loan rates for providing price support for 1977 crop burley tobacco at the statutory level of support of 117.3 cents per pound. Interested parties were invited to submit, not later than November 11, 1977, data, views and recommendations pertaining to the grade loan rates. No unfavorable comments have been received.

FINAL RULE

Accordingly, 7 CFR 1464.21 is revised to read as set forth below, effective for the 1977 crop of burley tobacco. The material previously appearing under

§ 1464.21 remains applicable to the crop to which it refers.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423).)

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

Signed at Washington, D.C., on November 11, 1977.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

§ 1464.21 1977 Crop Burley Tobacco, Type 31, Loan Schedule.[1]

[Dollars per 100 lb, farm sales weight]

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
B1F	129	T4F	117	C3V	119
B2F	128	T5F	111	C4V	117
B3F	126	T3FR	119	C5V	111
B4F	123	T4FR	116	C4G	107
B5F	119	T5FR	109	C5G	101
B1FR	128	T3R	114	X1L	128
B2FR	127	T4R	111	X2L	127
B3FR	125	T5R	105	X3L	125
B4FR	122	T4D	104	X4L	120
B5FR	118	T5D	100	X5L	115
B1R	125	T4K	102	X1F	128
B2R	124	T5K	99	X2F	127
B3R	122	T4VF	112	X3F	125
B4R	119	T5VF	106	X4F	120
B5R	113	T4VR	105	X5F	115
B4D	109	T5VR	101	X4M	117
B5D	104	T4GF	101	X5M	107
B3K	118	T5GF	96	X4G	107
B4K	116	T4GR	97	X5G	99
B5K	110	T5GR	92	M1F	110
B3M	120	C1L	129	M2F	109
B4M	116	C2L	128	M3F	108
B5M	107	C3L	126	M4F	106
B3VF	122	C4L	123	M5F	104
B4VF	117	C5L	119	M3FR	106
B5VF	114	C1F	129	M4FR	104
B3VR	117	C2F	128	M5FR	100
B4VR	113	C3F	126	N1L	100
B5VR	110	C4F	123	N2L	93
B3GF	112	C5F	119	N1F	96
B4GF	110	C3K	118	N1R	93
B5GF	106	C4K	115	N2R	87
B3GR	106	C5K	109	N1G	87
B4GR	104	C3M	121	N2G	79
B5GR	101	C4M	119		
T3F	122	C5M	111		

[FR Doc.77-33392 Filed 11-17-77;8:45 am]

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no-grade), or scrap will not be accepted. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

[3410-02]

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

[Lemon Regs. 119 and 120; Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period November 20–26, 1977, and increases the quantity of such lemons that may be so shipped during the period November 13–19, 1977. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective November 20, 1977, and the amendment is effective for the period November 13–19, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-3545.

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

The committee met on November 15, 1977, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is generally good on all sizes and grades.

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

§ 910.420 Lemon Regulation 120.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period November 20, 1977, through November 26, 1977, is established at 190,000 cartons.

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

§ 910.419 [Amended]

The provisions of paragraph (a) in § 910.419 Lemon Regulation 119 (42 FR 58733) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period November 13, 1977, through November 19, 1977, is established at 210,000 cartons."

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

Dated: November 16, 1977.

D. S. KURYLOSKI,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-33492 Filed 11-17-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses and a rate of assessment for the 1977–78 crop year, to be collected from handlers to support activities of the California Date Administrative Committee which locally administers the Federal marketing order covering domestic dates produced or picked in Riverside County, California.

DATES: Comments must be received on or before November 30, 1977. Proposed effective dates: October 1, 1977, through September 30, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202–447–6393.

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Committee, established under the marketing agreement, and Order No. 987, both as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer this program's terms and provisions.

The proposals are:

§ 987.322 Expenses of the California Date Administrative Committee and rate of assessment for the 1977–78 crop year.

(a) Expenses that are reasonable and likely to be incurred by the California Date Administrative Committee during the period October 1, 1977, through September 30, 1978, will amount to $27,934.

(b) The rate of assessment for said period, payable by each handler in accordance with § 987.72 is fixed at 7 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: November 15, 1977.

D. S. KURYLOSKI,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.77-33398 Filed 11-17-77; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

VOLUNTARY DEPARTURE PRIOR TO COMMENCEMENT OF HEARING

Extension of Comment Period

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule, extension of period for public comments.

SUMMARY: This notice responds to a request by the Association of Immigration and Nationality Lawyers for an extension of the period for submission of written comments on the notice of proposed rulemaking amending the Service's regulations pertaining to authorization of voluntary departure prior to commencement of hearing.

DATE: Comments must be received on or before December 27, 1977.

ADDRESS: Please submit written representations only to the Commissioner of Immigration and Naturalization, 425 Eye Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, telephone: 202–376–8373.

SUPPLEMENTARY INFORMATION: This notice responds to a request by the Association of Immigration and Nationality Lawyers for an extension of the period for submission of written comments on the notice of proposed rule making amending the Service's regulations pertaining to authorization of voluntary departure prior to commencement of hearing. The notice of proposed rule making was published in the FEDERAL REGISTER on September 27, 1977 (42 FR 49459) and established a deadline of October 27, 1977, for the receipt of written comments. In order to afford interested parties additional time to submit comments, the deadline date for receipt of comments is hereby extended to December 27, 1977. All relevant comments received on or before that date will be considered. Oral representations may not be presented in any manner and will not be considered.

Dated: November 15, 1977.

LEONEL J. CASTILLO,
Commissioner of
Immigration and Naturalization.

[FR Doc.77-33394 Filed 11-17-77;8:45 am]

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Miscellaneous Amendments; Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Proposed rule.

SUMMARY: This proposed amendment to the regulations under the Virus-Serum-Toxin Act would expand, clarify, and explain the criteria for interpreting results obtained when the chicken inoculation test for pathogens has been conducted on test birds. Reactions of test birds to a product being tested are used as a basis for evaluating that product, but the present regulations are too limited in that they do not give adequate guidance for the performance of such tests, and do not adequately explain how the results obtained from the tests affect a given serial or subserial of a product. This proposed amendment would correct this deficiency.

DATES: Comments must be received on or before December 19, 1977.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 301–436–8245.

SUPPLEMENTARY INFORMATION: A test for the detection of pathogens in biological products is prescribed in § 113.36 of the regulations. This test involves the use of chickens as test birds, and the results of such tests are determined by the reactions observed in the birds.

Presently, paragraph (f) of § 113.36 of the regulations, dealing with the interpretation of the results of the test prescribed therein, provides that if the control test birds sicken or die, the test is inconclusive. If they remain healthy and sickness or death occurs in the vaccinates, the serial is unsatisfactory. There is no provision for action to be taken in the case of an inconclusive test. Also, sickness or death in the vaccinates renders a serial of a product unsatisfactory without regard for the reason for such sickness or death. This proposed amendment would therefore make the following changes concerning these and other problems.

The term "sicken or die" would be deleted and the term "do not remain healthy" and "unfavorable reactions" would be used instead. Unfavorable reactions is a broader test criterion than death, and it is felt that it would be more appropriate in the case of some products. The proposed terminology encompasses a wider range of reactions, as observed by the person performing the test. Death is not always a test criterion for certain products, and some reactions, though subtle, may be uniquely characteristic of some pathogens which may be present in a serial or subserial being tested and would, therefore, be considered unfavorable.

It is also proposed that the regulations be amended to include subserials of a biological product because the test prescribed therein is performed on both serials and subserials, although the term subserial does not appear in § 113.36(f) of the present regulations.

The proposed amendment would further provide that a serial or subserial of a product being tested would be declared unsatisfactory if control test birds remain healthy and unfavorable reactions occur in the vaccinates which are found to be attributable to the test product. If the control birds do not remain healthy or if there are unfavorable reactions in the vaccinates which are not attributable to the product, it is proposed that the test be declared inconclusive. In the case of an inconclusive test, the proposed amendment, unlike the present regulation, would provide for a repeat test. The effect of this proposal would allow a manufacturer to demonstrate through a repeat test that even though unfavorable reactions occurred in the vaccinates, the product should not be declared unsatisfactory because such reactions were due to causes unrelated to the product being tested.

This proposed amendment would expand, explain, and clarify the criteria to be used to interpret the test results when the test in this section is conducted.

In § 113.36, paragraph (f) would be revised to read as follows:

§ 113.36 Detection of pathogens by the chicken inoculation test.

* * * * *

(f) If the controls remain healthy and unfavorable reactions attributable to the product occur in the vaccinates, the serial or subserial tested is unsatisfactory. If the controls do not remain healthy or if unfavorable reactions not attributable to the product occur in the vaccinates, or both, the test shall be declared inconclusive and may be repeated: *Provided,* That, if the test is not repeated, the serial or subserial tested shall be considered unsatisfactory.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document 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 12.7(b)).

Done at Washington, D.C., this 11th day of November 1977.

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

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-33142 Filed 11-17-77;8:45 am]

[3410-34]

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Miscellaneous Amendments; Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Proposed rule.

SUMMARY: This proposed amendment would codify, in the regulations under the Virus-Serum-Toxin Act, test requirements for detection of extraneous viruses in Master Seed Virus. Purity of the Master Seed Virus is essential in the preparation of vaccines. The test methods and procedures prescribed in this proposed amendment would assure such purity with respect to extraneous viruses.

DATES: Comments must be received on or before January 17, 1978.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 301-436-8245.

SUPPLEMENTARY INFORMATION: A seed virus derived from a Master Seed Virus (MSV) is used in the preparation of each viral vaccine. The Master Seed Virus is defined in the regulations (9 CFR 101.7(a)). Before it can be used for vaccine production, it must be of proven purity, safety, and antigenicity.

To meet the standards of purity established by Veterinary Services, a lot of Master Seed Virus must be free of contaminants, such as extraneous microorganisms, before it is approved for use in the preparation of viral vaccines.

The tests for such microorganisms as bacteria, fungi, or mycoplasma are prescribed in the regulations. Although the Master Seed Virus is also required to be free of extraneous viruses before it is used for the production of viral vaccines, there is no section in the present regulations specifically dealing with the detection of such viruses in the Master Seed Virus.

This proposed amendment would add a new § 113.55 to the regulations concerning detection of extraneous viruses in Master Seed Virus.

Part 113 would be amended by adding a new section to read:

§ 113.55 Detection of extraneous viruses in Master Seed Virus.

Master Seed Virus (MSV) shall be tested and found free of extraneous viruses by the procedures provided in this section when prescribed in a Standard Requirement or the filed Outline of Production for a product.

(a) At least a 1.0 ml aliquot per cell culture of MSV shall be dispensed onto monolayers (at least 75 cm^2 in area) of pretested (1) Vero (African green monkey) cell line, (2) embryonic cells, neonatal cells, or cell lines of the species for which the vaccine is recommended, and (3) embryonic cells, neonatal cells, or cell lines of the species in which the MSV is presently propagated (if different than the species for which the vaccine is recommended). At least one monolayer of each of these cell types shall be maintained as an uninoculated control. If the MSV is cytopathic for, or causes hemadsorption in the cells in which it is to be tested, the MSV shall be neutralized with monospecific antiserum or counteracted by a method approved by Veterinary Services.

(b) Each monolayer shall be maintained for at least 14 days and shall be subcultured at least three times during the maintenance period. The monolayers shall be examined regularly throughout this period for evidence of virus induced abnormalities. At the second subculturing, at least one inoculated monolayer and one control monolayer of each cell type shall be planted onto suitable surfaces for the test for cytopathic viruses and when applicable, for the fluorescent antibody (FA) test.

At the conclusion of the maintenance period, and at least 7 days after the last subculturing, at least one inoculated and one uninoculated control monolayer of each cell type which are at least 90 percent confluent shall be tested by cytopathic and hemadsorbing extraneous viruses.

(1) *Test for hemadsorbing viruses.* At least one inoculated and one control monolayer of each cell type shall be washed with several changes of phosphate buffered saline. A mixed suspension of 0.2 percent guinea pig, chicken, and human "O" erythrocytes shall be added, and the cells incubated at 4° C and 25° C for an appropriate incubation

period and the monolayer examined for evidence of hemadsorption.

(2) *Test for cytopathic viruses.* At least one inoculated and one control monolayer of each cell type, each with a total area of at least 8 cm^2, shall be stained with a suitable cytological strain and the entire monolayer examined for evidence of inclusion bodies, abnormal number of giant cells, or other cytopathology indicative of cell abnormalities attributable to an extraneous virus.

(c) *Fluorescent antibody (FA) technique.* Each MSV shall be tested for the presence of applicable extraneous viruses by the FA technique using the cell type, from among those specified in paragraph (a) of this section, that is the most susceptible to each extraneous virus. At least one inoculated and one control monolayer of each applicable cell type shall be subcultured during the maintenance period as described in paragarph (b) of this section and planted into containers suitable for FA staining. Positive control monolayers shall be prepared from the uninoculated cells by infecting a portion of the cells with the specific virus being tested for. The remaining uninoculated cells shall serve as negative controls. (If the MSV has been neutralized with a monospecific antiserum, the antiserum must be shown to be free of neutralizing antibody for the virus being tested for.) The test system for each extraneous virus shall consist of at least 4 MSV-inoculated monolayers, 5 postive control monolayers, and 4 negative control monolayers each with a total area of at least 8 cm^2. All of these monolayers shall be maintained for 4 to 6 days, then removed from their media, processed, and stained with the appropriate antiviral fluorescein tagged antibody, and examined for the presence of specific fluorescence attributable to the virus.

(1) The viruses specified and the test conducted will depend upon the species in which the MSV was previously passed or presently propagated and upon the species for which the vaccine is intended. When available, reagents for the tests may be furnished by Veterinary Services.

(2) Test conditions or periods, or both, may be varied from those in paragraph (c) of this section if positive control monolayers indicate fluorescence is enhanced by so doing.

(a) *Interpretation of results.* (1) If the MSV-inoculated cells show any evidence of specific cytopathology or hemadsorption attributable to an extraneous virus, the MSV is unsatisfactory and shall not be used to prepare biological products. If an extraneous virus is suspected because of sytopathology or hemadsoprtion and cannot be eliminated as a possibility by additional testing, the MSV is unsatisfactory, and shall not be used to prepare bological products.

(2) If the MSV-inoculated cells show any evidence of specific viral fluorescence, the MSV is unsatisfactory and shall not be used to prepare biological products; *Provided,* That, if specific fluorescence attributable to the virus is absent in more than one of the monolayers deliberately inoculated as positive controls, the test is inconclusive and may be repeated.

(3) If the fluorescence of the monolayers inoculated with the specific virus as positive controls is equivocal, or if the uninoculted monolayers show equivocal fluorescence indicating possible viral contamination, or both, the test shall be declared inconclusive and may be repeated; *Provided,* That, if the test is not repeated, the MSV shall be regarded as unsatisfactory and shall not be used to prepare biological products.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document 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 12.7(b)).

Done at Washington, D.C., this 11th day of November 1977.

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

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-33140 Filed 11-17-77;8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Parts 1500, 1510]

BABY RATTLES

Proposed Banning of Hazardous Baby Rattles and Establishment of Safety Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed regulation.

SUMMARY: The Commission proposes mandatory safety requirements for rattles in the form of a regulation banning rattles which do not have ends of a sufficient size. The regulation is designed to address choking and suffocation hazards associated with rattles by ensuring that a rattle cannot project into an infant's throat.

DATES: Comments must be received on or before December 19, 1977. The proposed effective date would be 90 days after publication of the final regulation in the FEDERAL REGISTER.

ADDRESS: Send comments to the Office of the Secretary, Consumer Product Safty Commission, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6453.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In September of 1976, the Commission staff was informed by the Commission's Seattle Area Office of a choking incident caused by a barbell shaped baby rattle. At approximately the same time, the Commission staff was informed by the Canadian Consumer Standards Directorate about 2 deaths caused by the impaction of small rattles with heart-shaped ends into the throats of infants and 3 similar nonfatal choking incidents involving other types of baby rattles.

The Commission staff has undertaken an investigation and review of the hazard information available on baby rattles. The staff has identified through indepth investigations as well as consumer complaints and death certificates received by the Commission 8 similar choking deaths and 10 non-fatal choking incidents associated with baby rattles. In each of the incidents a structure on the end of the rattle was sucked or forced (as by an infant falling with its face down) into the infant's mouth and became lodged in the soft tissue of the throat. The rattle end ultimately became entrapped in the air passage because of muscular action and/or tissue swelling. Choking and/or suffocation ensued. (Detailed information on the incidents is available for inspection in the Office of the Secretary of the Commission.)

The results of this investigation led the Commission staff to conclude that the rattles involved in the incidents had certain common design and construction features which enabled them to become impacted in the infants' throats. Generally, the rattles associated with injuries were found by Commission staff to be about four inches in length and to be shaped like telephone receivers, barbells, clothespins, and safety pins, in addition to other designs and shapes including the traditional "lollipop" design. (Large ball attached to a handle).

On March 2, 1977 the Commission staff met with several manufacturers of infant rattles. At that time certain manufacturers stated that further distribution of those rattles, specifically identified as having been involved in choking incidents, was being withheld. The manufacturers were concerned however, that many similar, if not identical, rattles posing the same hazard were still available for sale and continuing to be produced by other manufacturers. (A log of this meeting is available in the Office of the Secretary).

To determine whether rattles of similar or identical design were being distributed and sold under different brand names by other manufacturers, the Commission staff undertook a limited marketplace survey through the Commission's field offices. The survey revealed that there are many rattles currently available for sale which are similar in size and shape to the rattles known to have been involved in both fatal and non-fatal choking incidents. Furthermore, many rattles of differing designs

have a size which, based on available data on the size of children's mouths, led the staff to conclude that they have the capability of being forced or sucked into an infant's mouth and of becoming lodged in the throat, creating the potential for suffocation.

Because of the choking and suffocation hazards presented by many infant rattles now on the market, the Commission is proposing to ban any infant rattles which fail to meet the size limitations as set forth in the test criteria below.

The Canadian Regulation—Technical Requirements

In June 1977, the Canadian government published under its Hazardous Products Act a final regulation effective upon publication prohibiting the sale in Canada of those rattles which fail to meet prescribed test criteria. Under the Canadian regulation all rattles must pass a test to ensure that no part can project into the infant's throat to a depth which could cause choking. In addition, the regulation provides that rattles must be constructed to ensure that components which could enter the throat of an infant and present a similar hazard are not removable.

The test fixtures for the Canadian regulation (see Figure 1 below) has an opening with dimensions of 50 x 35 millimeters. The test procedure provides that the rattle is inserted in this orifice, and if any part of the rattle can contact the lower plate (30 millimeters below the orifice), the rattle fails the test.

The dimensions of the Canadian test fixture were determined by reference to the clinical observations of professionals engaged in pediatrics and allied specialities as well by reference to dimensional data on the oral pharyngeal cavity in infants documented in the scientific literature. In addition, the dimensions of rattles known to have been involved in incidents were taken.

In the process of developing the test device, an orthodontic consultant retained by the Canadian government personally observed an infant of 4 months totally engulf a disc 50 millimeters in diameter and 2 millimeters in thickness. (Clinical observation, Dr. Duperon, School of Dentistry, University of Manitoba.) Further; one rattle, involved in a nonfatal accident reported to the Canadian government, had a handle 45 millimeters in diameter and 3 millimeters thick. In addition, Professor Latham, Faculty of Dentistry, University of Western Ontario, suggested that 5 centimeters be established as the minimum dimension for the ends of baby rattles. (Personal observation, Dr. W. Stuart Hunter, University of Western Ontario.)

On this information, together with published information on mandibular (lower jaw) and maxillar (upper jaw) widths, the dimension of 50 millimeters was set. (Peyton, "The Dimensions and Growth of the Palate in the Normal Infant and in the Infant with Gross Maldevelopment of the Upper Lip and Palate," Am J of Diseases of Children, vol. 47, June 1934, pp. 1265–1268; Sillman, "Serial Studies of Changes in Dimensions of the Dental Arches from Birth to Nine Years," Child Development, vol. 18, no. 3, September 1947; Sillman, "Dimensional Changes of the Dental Arches: Longitudinal Study from Birth to 25 Years," Am J of Orthodontics, vol. 50, no. 11, November 1964, pp 824–842.)

The 35 millimeter dimension in the test device was based on the size of objects that actually became lodged in children's throats, as reported to the Canadians.

The depth of the test device, 30 millimeters, was based on measurements taken from cadavers and live infants of the anterior—posterior dimension of the mouth cavities. (Children's Hospital of Eastern Ontario, Measurements of living infants; Children's Hospital of Eastern Ontario, post mortem study.)

As mentioned above, the Canadian regulation also contains a provision for applying a force of a specified value to a rattle to see if any portion of the rattle can be removed. Any component so removed must then pass the template test or the rattle itself fails.

The Proposal

The Commission recognizes that baby rattles must be constructed to take full account of the facts that an infant's natural tendency is to put any object in its mouth and that infants may be expected to play with this type of toy without constant, direct supervision. The Commission, therefore, believes that rattle ends must be of a sufficient size to prevent impaction in the throat.

After full consideration of the requirements of the Canadian regulation, the Commission believes that the requirements have merit and that the dimension of the test fixture are supported by sufficient data and professional opinion. Therefore, the Commission is proposing for public comment the banning regulation below, incorporating the test fixture of the Canadian regulation.

The Commission points out that the test procedure set out in § 1510.5 refers to the use and abuse tests of § 1500.51 of the Commission's regulations under the FHSA. The tests under this section are designed to simulate the use and abuse of toys and other articles intended for use by children 18 months of age or less. Hazard information available to the Commission on the impaction of baby rattles indicates that this age category is where most of the injuries occur.

Four of the six tests set forth in § 1500.51 are proposed to be required for baby rattles. (The bite and flexure tests are not proposed to be included). The impact test for children up to 18 months is intended to simulate a child dropping a rattle while standing in a crib or striking the rattle on a solid structure. The torque test is intended to simulate the twisting action a child uses for detaching components. The tension test is intended to simulate the pulling action a child uses for detaching components. The compression test is intended to simulate a child applying a portion of his or her body weight to a rattle such as in leaning or stepping on the rattle. As in the Canadian regulation which contains a simple force test, any component of a rattle released as a result of these more comprehensive use and abuse tests must pass the template test or the rattle fails.

In addition, the Commission is proposing to require the use and abuse tests of § 1500.51 for rattles to comply with the statutory definition of "mechanical hazard" under the FHSA. Section 2(s) of that act states:

> An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness. * * *

Environmental Considerations

An assessment of the potential environmental impact has been made of the proposal set forth below. The Commission concludes that there are no significant environmental effects associated with the proposal. Therefore, there is no need for an environmental impact statement. A copy of the environmental assessment is on file at the Commission and may be inspected at the Office of the Secretary.

Effective Date

It is contemplated that the effective date will be ninety days from publication of a final banning regulation for baby rattles. The regulation will be applicable to all rattles introduced into interstate commerce after that date. For purposes of the regulation, introduction into interstate commerce is defined as follows: A rattle manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A rattle manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if 1 or more of its components and/or raw materials were received interstate.

Conclusion

Under the Federal Hazardous Substances Act (FHSA) the term hazardous substance includes any toy or article intended for use by children that the Commission determines by regulation to present a mechanical hazard (section 2(f)(1)(D) (15 U.S.C. 1261).) Section 2(q)(1)(A) of the FHSA provides that such toy or article is also automatically a banned hazardous substance. "Mechanical hazard" is defined by section 2(s) of the act, which reads in part:

> An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness * * * (7) because the article (or any part or accessory thereof) may be aspirated or ingested * * *

Based on the injury data available to the Commission, the Commission has preliminarily determined that certain baby rattles, because of mechanical hazards associated with their design (spe-

cifically their size), present an unreasonable risk of personal injury to infants from choking or strangulation as a result of impaction of the rattle ends in infants' throats. Consequently, the Commission believes such rattles should be banned from interstate commerce.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375 as amended 80 Stat. 1304–05, 83 Stat. 187–189; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act. (sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes to amend Title 16, Chapter II, Subchapter C as follows:

PART 1500—HAZARDOUS SUSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. By adding a new paragraph (a)(15) to § 1500.8 as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness: * * *

(15) Any rattle (as defined in § 1510.3 of this chapter) that is introduced into interstate commerce after _____ (insert the date which is ninety days after publication of the final regulation in the FEDERAL REGISTER), and that does not comply with the requirements of Part 1510 of this chapter.

* * * * *

PART 1510—REQUIREMENTS FOR RATTLES

2. By adding a new Part 1510 as follows:

Sec.
1510.1 Purpose.
1510.2 Scope.
1510.3 Definitions.
1510.4 Requirements.
1510.5 Test procedure.

AUTHORITY: Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89 (15 U.S.C. 1261, 1262); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).

§ 1510.1 Purpose.

The purpose of these requirements is to prohibit the introduction into interstate commerce of certain baby rattles which can cause choking and/or suffocation in infants because their design or construction permits them to be forced or sucked into an infant's mouth and become lodged in the throat.

§ 1510.2 Scope.

This Part 1510 sets forth the requirement whereby rattles (as defined in § 1510.3) are not banned articles under § 1500.18(a)(15) of this Chapter.

§ 1510.3 Definitions.

For the purposes of this Part 1510 a rattle is an infant's toy, intended to be handheld, usually containing pellets or other small objects and which produces sounds when shaken.

§ 1510.4 Requirements.

No portion of a rattle shall, either before or after the use and abuse tests of § 1500.51 of this Chapter, when inserted in the opening, touch the base of the test fixture shown in Figure 1 when tested in accordance with the procedure of § 1510.5 below. The test fixture shall have a cavity with the dimensions shown in Figure 1. In testing to ensure compliance with this regulation, the measurements of the opening of the Commission's test fixture will be no greater than those shown in Figure 1 and depth of the fixture used will be no less than that shown in Figure 1.

§ 1510.5 Test procedure.

Place the base of the test fixture shown in Figure 1 on a horizontal surface. Under its own weight and in a noncompressed state apply any portion of the test sample in the most adverse orientation to the opening in the test fixture. Repeat this procedure after performing the use and abuse tests of § 1500.51 (excluding the bite and flexure tests of paragraphs (c) and (d) of this section).

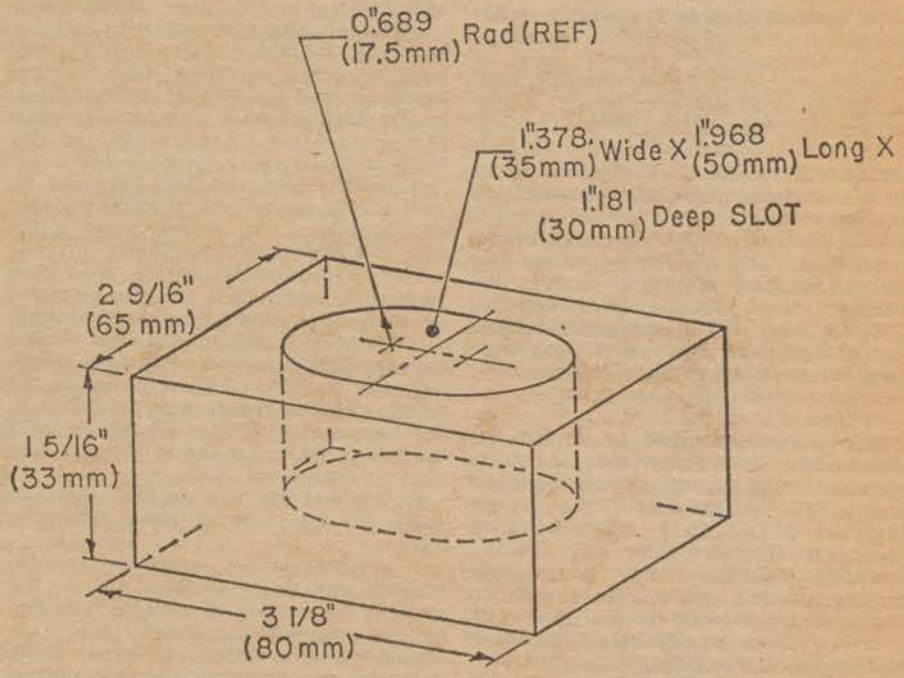

FIG 1—RATTLE TEST FIXTURE

Interested persons are invited to submit, on or before December 19, 1977, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, Washington, D.C., during working hours Monday through Friday.

Dated: November 14, 1977.

SADYE E. DUNN,
Deputy Secretary, Consumer Product Safety Commission.

[FR Doc.77-33341 Filed 11-17-77;8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 136 and 137]

[Docket No. 77N-0356]

IRON FORTIFICATION OF FLOUR AND BREAD

Proposed Statement of Reasons, Proposed Findings of Fact, Proposed Conclusions of Law, and Tentative Order

AGENCY: Food and Drug Administration, HEW.

ACTION: Tentative order following a Public hearing on regulations.

SUMMARY: This tentative order proposes to restore former provisions of the regulations concerning the iron fortification of enriched flour and bread products, and it withdraws the stayed amendment that would have increased the added iron content thereof. The Commissioner of Food and Drugs has concluded that the increases are not proven to be needed, safe, or effective.

DATE: Exceptions by January 17, 1978.

ADDRESS: Written exceptions to the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857. The transcript of the public hearing and other evidentiary submissions may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Rosa M. Gryder, Office of Associate Commissioner for Science (HFS–52), 5600 Fishers Lane, Rockville, Md. 20857, 301–443–4491.

SUPPLEMENTARY INFORMATION: In the matter of amending the standards of identity for enriched flour, enriched self-rising flour, and enriched bread, rolls, or buns to increase the added iron content thereof (formerly Docket No. FDC–81), the Commissioner of Food and Drugs is issuing a tentative order, following a public hearing, withdrawing the stayed provisions of the regulation.

History

The original proposal to amend the standards of identity of enriched flour, enriched self-rising flour, and enriched bread, rolls, or buns (21 CFR 137.165 (formerly 21 CFR 15.10), 21 CFR 137.185 (formerly 21 CFR 15.60), and 136.115 (formerly 21 CFR 17.20), respectively to increase the added iron content in these foods was made upon a joint petition by the American Bakers Association and the Millers' National Federation, and it was published in the Federal Register on April 1, 1970 (35 FR 5412). During the 30-day period provided for objections and comments, 35 comments were received on this proposal, 3 of which opposed the proposed increase in the iron content of bread and flour on the ground that increased iron in the diet could be harmful. The Commissioner deemed further inquiry necessary and requested the American Medical Association (AMA) Council on Foods and Nutrition to comment on the objections. In a letter dated July 13, 1970, the AMA Council expressed its opinion that the public interest would be served by the adoption of the higher levels of iron for enriched flour and bread.

The Commissioner, in the Federal Register of December 3, 1971 (36 FR 23074), published an alternative proposal, which would have raised the iron content of enriched flour, enriched self-rising flour, and enriched bread, rolls, or buns from 13.0–16.5 to 40 milligrams per pound, and 13.0–16.5 to 40 milligrams per pound, and 8.0–12.5 to 25 milligrams per pound respectively. This proposal also provided for increases of calcium, niacin, riboflavin, and thiamin content in these foods. In response, 520 comments were received, a majority of which were from scientists in health and related fields. The only major opposition to the proposal concerned the proposed increase in iron enrichment. The Commissioner, having considered all comments received and other relevant information, promulgated the final order published in the Federal Register of October 15, 1973 (38 FR 28558) adopting the iron increases provided by the proposal. In the preamble to the regulation, the Commissioner commented in detail on the opposition to the iron increases.

Thirty objections to the final order were received, leading the Commissioner to conclude in his order published in the Federal Register of February 11, 1974 (39 FR 5188), that, in light of questions regarding the public health raised by members of the medical profession opposing the increase in added iron content of flour and bread, a formal evidentiary public hearing on the matter was justified. In this same order of February 11, 1974, the Commissioner, pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)) stayed the provisions of the regulation increasing added iron pending a public hearing, designated a Hearing Examiner, and set April 1, 1974, as the date for the hearing. Fifteen parties filed appearances with the Hearing Clerk. A notice of the prehearing conference was published in the Federal Register of March 18, 1974 (39 FR 10172), and the conference was held on March 25, 1974.

By order of the Hearing Examiner, the issues at the hearing were stated as follows:

1. Whether or not, based on available medical and scientific data and on the general recognition of experts qualified by scientific training and experience to evaluate human nutritional needs, there is need for an increased quantity of iron in the diet of large segments of the population of the United States.

2. Whether or not, based on available medical and scientific data and on the general recognition of experts qualified by scientific training and experience to evaluate potential toxic effects of dietary intake of iron, it is safe to increase the levels of iron in enriched flour, enriched self-rising flour, enriched bread, rolls, or buns from the levels in the existing standards of identity for these foods, 13.0–16.5 milligrams/pound, 13.0–16.5 milligrams/pound, and 8.0–12.5 milligrams/pound, respectively, to the levels provided by the order of October 15, 1973, 40 milligrams/pound, 40 milligrams/pound, 40 milligrams/pound, and 25 milligrams/pound, respectively.

3. Whether or not, based on available medical and scientific data and on the general recognition of experts qualified by scientific training and experience to evaluate the bioavailability of dietary iron, there exist demonstrated bioavailable sources of iron for use in the fortification of enriched flour, enriched self-rising flour, and enriched bread, rolls, or buns at the increased levels prescribed by the Commissioner's order of October 15, 1973, 40 milligrams/pound, 40 milligrams/pound, and 25 milligrams/pound, respectively.

4. Whether or not, based on available medical and scientific data and on the general recognition of experts qualified by scientific training and experience to evaluate the nutritional and metabolic effects of dietary intake of iron, the increases in the levels of iron in enriched flour, enriched self-rising flour and enriched bread, rolls, or bonus from the levels in the existing standards of identity for these foods, 13.0–16.5 milligrams/pound, 13.0–16.5 milligrams/pound, and 8.0–12.5 milligrams/pound, respectively, to the levels prescribed by the Commissioner's order of October 15, 1973, 40 milligrams/pound, 40 milligrams/pound, and 25 milligrams/pound, respectively, will be effective in improving the iron balance of those groups in the population of the United States who are iron deficient.

The hearing consisted of nine sessions of oral testimony. The Food and Drug Administration, which had the burden of proof, presented 5 witnesses and 36 documentary exhibits in support of the amended regulation to increase the iron content of enriched flour and bread. (That part of the Food and Drug Administration and the office of the General Counsel, DHEW, Food and Drug Division, which were designated to represent the proponents of the amendments were throughout the hearing and will throughout this document be referred to as "the Food and Drug Administration.") Various respondents called witnesses and submitted their own documentary exhibits. Following the closing of the taking of evidence, the Hearing Examiner submitted his "Recommended Decision" and certified the record to the Commissioner. The Hearing Examiner concluded that the weight of the evidence supported the amendments to the relevant food standards.

Having considered the evidence received at the hearing, the Hearing Examiner's Recommended Decision and all the written arguments that were filed, the Commissioner is issuing this tentative order to withdraw the stayed provisions of the amendments.

The Authority of the Commissioner To Promulgate the Regulation Amendments

One respondent, William H. Crosby, M.D., Chief of Hematology at Scripps Clinic and Research Foundation, La Jolla, California, and Professor of Medicine at the University of California, San Diego, challenged the authority of the Commissioner to promulgate any identity standards whose purpose is to correct for dietary deficiencies unrelated to the standard (Crosby brief at p. 5). The basis for Dr. Crosby's argument is the contention that the only purpose of

standards promulgated pursuant to section 401 (21 U.S.C. 341) is to prevent consumer fraud. Although the purpose of the present document is to withdraw the stayed augmented-iron provisions of the regulation, the Commissioner is not basing the withdrawal upon this theory. On the contrary, to read section 401 so narrowly would be counter to the purposes of the act as a whole. The language of section 401 affords the Commissioner wide discretion:

> Whenever, in the judgment of the Secretary [by delegated authority, the Commissioner] such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable * * * standard of quality, and/or reasonable standards of fill of container * * *.

Cases interpreting this section uniformly support the position that a "reasonable standard" may be based on health as well as economic considerations. See, Christopher and Goodrich, "Cases and Materials on Food and Drug Law" (2d ed. 1973), p. 168 ff., "Libby McNeil, & Libby v. United States," 148 F. 2d 71 (C.A. 2 1945). The Supreme Court, in "Federal Security Adm'n v. Quaker Oats Co.," 318 U.S. 218 (1943) upheld the restoration of vitamins normally found in foodstuffs but destroyed during the manufacturing process as a legitimate exercise of the identity standard authority. Further, the argument that only economic concerns could be weighed by the Commissioner was rejected by the United States Court of Appeals for the Second Circuit in a case involving standards of identity for food for special dietary uses. In that case the court stated, "Even if Congress' paramount concern in enacting § 401 was with cases of economic adulteration, any limitation of the section's scope to such instances would run afoul of the portion of "Quaker Oats" which sustained the banning of the vitamin D enriched product from sale even as farina" ("National Nutritional Foods Ass'n. v. Food and Drug Admin.," 504 F.2d 761, 780–81 (C.A. 2 1974) cert. denied, 420 U.S. 946 (1975)). None of the legislative history cited by Dr. Crosby supports the likelihood that Congress intended to prohbit the promulgation of standards based on health factors.

Thus, in setting a standard, the Commissioner may consider both health and safety factors and may, where the weight of the evidence supports his decision, promulgate standards that incorporate such factors. It is only because the Commissioner has concluded, as discussed below, that the weight of the evidence adduced in this proceeding does not provide an adequate basis for the promulgation of a new standard that he is withdrawing the stayed provisions of the regulation.

The Burden of Proof

The burden of proof at the hearing was clearly on the proponents of the increased iron fortification. (Besides the Food and Drug Administration, proponents of the increased fortification were the American Bankers Association and the Millers National Federation.) The Administrative Procedure Act (5 U.S.C. 556(d)) provides that a proponent of a rule or order has the burden of proof at an administrative hearing. The Food and Drug Administration, in its brief, argues that publication of the regulation effecting the change means that the proponents' only burden is to show that the change is not clearly erroneous: "To sustain the regulation, it is sufficient for the evidence to show that the amendment of the standards of identity for enrich flour and bread to provide increased iron is a choice of action which can be made by a rational person" (Food and Drug Administration brief at 12). This statement evinces confusion between the standard of review on appeal following final agency action and the burden of proof at a hearing, which is a trial de novo at which no presumption is made concerning the appropriateness of the regulation in question. The suggestion that the amendment must be adopted if it embodies a choice which a "rational person" could make is erroneous.

The Need for the Change in Iron Fortification

The first major contested issue at the hearing was the need for additional iron in the diet. The Food and Drug Administration produced a number of witnesses and studies which, it argues, point to the conclusion of need for additional iron in the diet. (In the following citations: (1) "T" refers to transcript; (2) "G" refers to a Food and Drug Administration exhibit number; and (3) "R" refers to an exhibit number assigned to one of several respondents, i.e., opponents of the proposal.) The studies and reports included the 10-State survey, "Ten-State Nutrition Survey 1968–1970," Part V, Dietary, DHEW, Health Services and Mental Health Administration (G–19); the HANES survey, "Health and Nutrition Examination Survey," also conducted by DHEW, 1971–1972 (R–CU–2); and the AMA expert committee report. "Iron Deficiency in the U.S." Food and Drug Administration witnesses, Dr. Grace Goldsmith (T. 301), Dr. Clement A. Finch (T. 154 ff.), and Dr. William J. Darby (T. 450), testified to the need for increased iron in the diet. Even Dr. Crosby, the principal expert opponent of dietary iron increase, acknowledged that there are at least 2.5 million menstruating and pregnant women in the United States with iron-defficency anemia (T. 932–934). The Commissioner finds that some segments of the American population do indeed need additional iron. Some would probably be helped by an increase in iron fortification of bread. The question, then, is the extent of the need for additional iron in the diet.

The American Medical Association has declared that, "iron deficiency is found to occur frequently in the United States in infants and pregnant women, particularly where sensitive measurements such as plasma iron and iron-binding capacity are employed for detection" (G–10 at 124). Some of the surveys cited by proponents of the amendments as demonstrating widespread need did not employ very sensitive detectors of iron deficiency like, for example, serum iron tests (T. 865–870). The 10-State survey is a case in point. This study admittedly shows a high prevalence of anemia among lower income people but not necessarily iron-deficiency anemia. Indeed, some studies show that some anemia can be cured with a well-balanced diet with or without iron fortification (T. 289, 864). The figures from the 10-State survey are based upon hemoglobin tests; these are indicators of iron concentration in blood, but low hemoglobin may result from causes other than iron deficiency (T. 224, 1023).

Serum iron test results have not always correlated well with results of hemoglobin tests (T. 368). For example, in that small fraction of samples in the 10-State survey wherein serum iron tests were used, only a small number of people with the lowest Hemoglobin levels also had low serum iron levels (G–19, T. 368). This lack of correlation with hemoglobin tests also extends to the transferrin saturation test. In the 10-State survey, the results of transferrin saturation tests in the 1 State in which they were performed were similar to results in the serum iron tests in relation to hemoglobin concentration (T. 872). This cautions against facile equation of "anemia" with "iron deficiency anemia." Also, the finding by the 10-State survey of a large number of iron-deficient males does not correlate well with the results of other studies, giving rise to further questions as to the significance of the findings of this survey (T. 231, 862).

The HANES study also showed a high incidence of anemia but did not prove that the incidence was caused by iron deficiency. See affidavit of Dr. Maxwell Wintrobe (R–CU–8).

The Commissioner concludes that, whereas available data show that there is a need for additional iron for two well-defined groups (preschool infants and pregnant women), the need has not been proven to be as great or as general as the proponents of the amendments have argued.

In addition, the Commissioner concludes that there are far better ways of reaching those persons in need of additional iron than through fortification of bread. Bread is not particularly effective as a supplement to the diet of women of child-bearing age and preschool children, the groups most in need of additional iron (G–10; R–C–2). Surely, it would be more effective to reach people in need, once these people have been identified, by directing educational programs to them, by improving their overall diet, and by encouraging their use of foods naturally high in iron or foods specially designed for them. Additional fortification of bread, which would subject the entire population, including those involuntarily exposed, to increased

dietary iron, would seem to be an inefficient and—in light of unresolved safety questions—a possibly more dangerous approach to take.

BIOAVAILABILITY

There was ample and uncontested testimony at the hearing that ferrous sulfate and reduced iron in small particles have been demonstrated to be bioavailable iron sources for use in enrichment of flour (T. 313–314, T. 501, T. 969, G–12, G–21). Therefore, the Commissioner finds that there are demonstrated bioavailable sources of iron for use in fortification of flour and bread. Far from being nonbioavailable, iron might well be too bioavailable (T. 969–970). The argument that technological advances (e.g., use of carbonyl iron), which improve bioavailability, added to a doubling of the amount of iron in bread would have unpredictable effects is persuasive (T. 917).

THE EFFECTIVENESS OF ADDITIONAL IRON ENRICHMENT IN IMPROVING THE IRON BALANCE OF THE IRON-DEFICIENT

Drs. Goldsmith and Darby testified that, in their opinions, additional iron enrichment in bread will be effective in improving the iron balance of those people who are iron-deficient (T. 314, 459–460). On the other hand, Dr. Finch frankly stated that he did not know how effective the increased fortification would be (T. 211). A study conducted by Dr. P. C. Elwood, in Cardiff, Wales, showed little effect from iron enrichment of bread (R–CU–6). In light of the small iron quantities involved in this inquiry, as compared to the amounts with which bread would be fortified under the stayed provisions of the present regulation, this study cannot be given much weight (T. 479–480).

However, the Elwood study, as the only human efficacy study on the record involving iron-fortified bread, is not contradicted by adequate studies showing the effectiveness of iron fortification of bread on the iron balance of those who are iron-deficient. A number of experts, including Dr. Finch (G–11, p. 1464), Dr. Crosby (T. 913–914), and the editors of various journals (R–C–8, R–C–9, R–CU–4), have attested to the need for other "pilot trials" similar to the Elwood study to determine efficacy.

Therefore, the Commissioner concludes that, before he can make a finding of efficacy, more studies will have to be done. The issue of efficacy is rendered all the more important in light of the issue of safety.

SAFETY

A substantial number of experts who made their views known on the record at the hearing testified that (a) in their view the augmentations are not safe or (b) have not been proven safe. For example, the Federation of American Societies for Experimental Biology (FASEB) Committee, in "A Review of the Significance of Dietary Iron on Iron Shortage Phenomena" (1972), reached "no unanimity of opinion concerning the possible hazards associated with the proposed increased iron enrichment. It was impossible to reconcile the strong differences into a single consensus" (G–15, p. 49). Dr. Crosby testified that added iron is not shown to be safe because it may adversely affect people with iron storage disease, liver disease, and various anemias (T. 890 ff.). Dr. Maxwell Wintrobe, Chief of Hematology at the University of Utah and the author of an authoritative text in the field of hematology, stated his belief that none of these questions has been properly dealt with (T. 885). Dr. Frederick Stohlman, who is Chief of Hematology at St. Elizabeth's Hospital in Boston and Professor of Medicine at Tufts University and the editor of the leading hematology journal, "Blood", by affidavit (R–C–16) expressed concern about possible adverse effects of the iron augmentation insofar as thalassemia and sickle-cell anemia are concerned. He also stated that he feared that additional iron fortification might well mask early symptoms of colon cancer. Dr. Marcel Conrad, Chief of Hematology at Walter Reed Army Medical Center, by affidavit (R–C–19) opposed the increase in iron fortification on the grounds that insufficient evidence of safety had thus far been obtained.

The Food and Drug Administration adduced testimony to the contrary from other distinguished physicians, such as Drs. William Darby, Richard MacDonald, and Grace Goldsmith. Nevertheless, the Commissioner finds that, with respect to some of the safety concerns voiced by the opponents of the stayed provisions of the regulations, the data on the record and the testimony at the hearing do not establish the safety of the iron augmentation. With respect to other safety issues, the Commissioner finds that the opponents have presented insufficient data to raise questions substantial enough to require refutation by the proponents.

1. *Hemochromatosis.* Hemochromatosis is a condition, either inherited or acquired, in which the ability of the mucosal cells of the small intestine to regulate iron absorption is impaired, resulting in absorption of increased amounts of iron which, when stored over many years as ferritin and hemosiderin in the parenchymal cells of body tissues and organs, are associated with disease in those tissues and organs (T. 102, 105, 179–181).

Although the Commissioner will not attempt here to resolve the question as to whether excess iron intake can cause or exacerbate hemochromatosis, he must conclude, in light of the following, that there are good reasons to believe that it might—reasons which have not by adequate studies been successfully refuted. In his order of October 15, 1973, the Commissioner concluded that "there is no substantial evidence to prove or disprove the hypothesis" that additional dietary iron may accelerate the accumulation of iron in the latent or undiagnosed hemochromatotic. The FASEB Committee (G–15) stated that it was basing its opinion of safety on "informed judgment rather than direct experimental evidence" and recommended additional research.

Testing performed thus far has been inadequate. Animal studies designed to test the impact of augmented dietary iron on hemochromatosis have been inadequate because they did not replicate hemochromatosis in humans. Also, any study involving humans which would withhold known effective treatment would be unethical and impossible to perform (T. 987–988). But a new tool has been found for correlating iron storage with serum levels of ferritin, which should enable scientists to examine further the relationship between iron storage disease and iron intake (T. 917–918). See also Finch (T. 208).

Apparently, the greatest potential danger, if there is a danger, would be to the latent or undiagnosed hemochromatotic (T. 892). If this is the case, an indiscriminate doubling of the amount of iron in bread, which is eaten generally throughout the population, might well impact severely upon this subpopulation.

In addition, the possibility that hemochromatosis, which is usually thought of as a genetic disease, may under certain circumstances be caused by habitual ingestion of large amounts of iron was suggested by a study of the South African Bantu population, which ingests very large amounts of iron from a high-iron-content beer (T. 894–895, R–12).

The Commissioner finds that data and testimony of record cause him concern that increased fortification might exacerbate latent hemochromatosis.

2. *Thalassemia (Cooley's anemia).* Thalassemia, also known as Cooley's anemia, is a genetic abnormality in which the ability to make hemoglobin is lost or reduced so that affected individuals are unable to synthesize normal amounts of hemoglobin (T. 189). A disease most often occurring in those of Mediterranean descent, thalassemia causes death before adulthood from transfusion-induced hemochromatosis, which causes heart failure. Thalassemia patients absorb unusually high amounts of iron. Possibly, iron overload is a major complication, and, because unenriched pasta is difficult to buy and because pasta is a staple food among the population at risk from Cooley's anemia, further iron fortification of bread and flour might cause additional difficulties. There is no adequate data pro or con on this matter; nevertheless, there is enough medical testimony concerning the possible deleterious effect of additional iron on this subpopulation to cause concern about an increase of iron in a staple food as widely eaten as bread (Zaino, T. 796, G–10).

The same medical logic that cautions against augmented iron fortification in regard to iron storage diseases such as hemochromatosis and thalassemia applies to other anemias, such as sickle-cell anemia which mostly affects blacks (R–C–10, R–C–16). The Commissioner hesitates to order increased fortification of such a common staple food under these circumstances.

3. *Parkinson's disease.* Parkinson's disease is a disease found primarily in elderly persons, affecting the control of muscular movements and body posture and resulting in a stiffness of movement and a rhythmic tremor when the limbs are in repose. It is caused by more than one kind of abnormal process in the brain, usually by the premature death and disappearance of certain nerve cells (T. 588–590).

The connection of excess iron in the brain with Parkinson's disease is tenuous and seems to be poorly supported by medical authorities. Dr. Charles N. Still testified concerning the association of excess iron in the brain with Parkinson's disease, but he has shown no causal relationship (T. 823). See also Richardson (T. 602). His testimony that iron may inhibit one of the enzymes that aid in the transmission of neurological signals was uncorroborated. The doctors who gave minimal support to Dr. Still's general conclusions did so by letter or affidavit but did not testify in person (Still–10, 12). The Commissioner considers the attempted connection of iron overage and Parkinson's disease to be poorly supported. The suspicion of iron's implication in Parkinson's disease is apparently based upon a limited number of observations, and the record does not demonstrate that an appreciable number of experts in Parkinson's disease support the implication of iron.

4. *The masking of symptoms of cancer of the colon.* Dr. Stohlman in his affidavit (R–16) alleges that increased iron in food may eliminate what he terms the only early warning signal a physician has to diagnose cancer of the colon, namely, the onset of iron deficiency anemia. But other witnesses testified that, in their experience, there has been no such masking of symptoms of colon cancer by iron supplementation. See, e.g., MacDonald (T. 1027–1029). Drs. Finch and Goldsmith testified that any blood loss from a person with colon cancer would be much greater than could be compensated for by increased red cell production from the iron supplied in bread (T. 214, T. 423–424). The Commissioner also notes that advances in the detection of colon cancer have been made in recent years which may reduce the importance of detection of the symptom of iron deficiency anemia. For these reasons, the Commissioner finds that there is insufficient evidence that iron fortification will mask colon cancer to cause serious concern.

This hearing was most concerned about two groups, both of which are small in proportion to the population—those in need of additional iron and those who may be harmed by increased iron in their diet. Assuming, arguendo, the effectiveness of iron fortification of bread, the issue becomes whether government policy should promote involuntary exposure in order to ameliorate iron deficiency. In balancing benefits against risks, the defenselessness of those potentially at risk from iron overage due to involuntary exposure must be weighed heavily, in view of the availability of an alternative strategy: selective targeting of those in need.

The Commissioner concludes that, on the present record, the increased iron levels should not be approved, since, among other things, the burden of proving them safe has not been satisfied. Better data must be obtained before what amounts to an uncontrolled study on the United States population is attempted. The Commissioner emphasizes that in his view the increased iron levels have not been proven unsafe either; but enough serious questions have been raised to prevent his approval of the increased levels at this time.

The Alleged Danger of Mild Anemia

One question that has not received sufficient attention is the danger or lack thereof of mild as opposed to severe iron deficiency anemia. Dr. Finch admitted that it is very difficult to attribute any specific symptoms to mild iron deficiency anemia (T. 164). Likewise, Dr. Crosby testified that a correlation between mild to moderate anemia and clinical symptoms has never been demonstrated (T. 889). Dr. Elwood, in his article "Bloody Shibboleth" (R–C–4), supports this view. Dr. Leslie J. Whits of Oxford University has written that "not until hemoglobin falls below 8 grams per 100 milliliters can a direct relationship between symptoms and hemoglobin be demonstrated" (R–C–5). Dr. Wintrobe also remarked that studies have failed to show any ill effects resulting from mild iron depletion (R–15). The Commissioner believes that too often there has been a tendency to judge the presence of iron deficiency by an arbitrary standard that has no proven relationship to human health either in general or for the individual concerned.

Findings of Fact

1. A small fraction of the United States population has been shown to be iron-deficient. However, data concerning the iron deficiency of larger numbers are inconclusive, and therefore, greater deficiency is not proven (R–Mann–1, T. 850 ff.).

2. Ferrous sulfate and reduced iron provide bioavailable sources of iron (G–21).

3. There are no good studies showing that dietary augmentation of iron will be effective in supplying the needs of those who are iron deficient (T. 234, T. 643, T. 905, R–C–8, R–C–9, R–CU–4). One study indicates that such augmentation would not affect hemoglobin (R–CU–6) but it is too small and too short in duration to warrant any firm conclusions on this question (T. 205).

4. Present evidence is inadequate to assess whether mild iron deficiency anemia is harmful (R–C–4, R–C–5, T. 889, R–15, p. 19).

5. Additional fortification of bread beyond what is necessary to replace iron lost in the milling process has not been proven to be an efficient way of reaching those segments of the population that need iron supplementation (G–10, R–C–2, T. 900–902, 1019).

6. Hemochromatosis is a hereditary disease in which the ability to inhibit iron absorption is lost (G–15). There is insufficient evidence to prove or disprove that incidence or severity of hemochromatosis can be influenced by changes in dietary iron intake (G–15, T–184–187).

7. Thalassemia and sickle-cell anemia are diseases in which patients suffer from excessive iron storage (T. 191, 842; R–C–10, R–C–16). Data showing whether or not increased dietary iron would cause or exacerbate diseases involving anemias, including thalassemia and sickle-cell anemia, are either unavailable or insufficient, but respected medical opinion urges caution (T. 847, G–10, R–C–10, R–C–16).

8. Dietary control is not a prescribed treatment for any of the diseases in which the body loses control over iron absorption (T. 309, 948, (hemochromatosis), T. 194, 775 (thalassemia)).

9. There is no credible evidence that excess iron either causes or exacerbates Parkinson's disease (T. 203, 605–606).

10. There is no evidence, other than anecdotal testimony, that iron supplementation masks the onset of colon cancer (T. 203–205, T. 1028–1029, R–C–16).

11. Any iron loss occurring in an individual having colon cancer would be much greater than could be compensated for by the amount of iron absorbed from the proposed increased levels of fortification (T. 214, T. 423–424).

12. Improved technology leading to greater bioavailability of iron together with augmented iron fortification of bread could cause very large amounts of iron to enter the systems of the United States population, with unpredictable results (T. 915–917).

Conclusions

1. The Commissioner has the authority to promulgate the regulations.

2. Although presently available data show that there is a need for increased iron for 1 to 2 percent of the population, this need has not been proven by any surveys or studies to be greater than that.

3. There are bioavailable sources of iron in bread.

4. There is insufficient evidence that the augmentation in iron-fortified bread would ameliorate the condition of those who need additional iron.

5. There are no adequate studies showing the safety of the increased levels of iron in bread, especially with reference to hemochromatosis and thalassmia. Therefore, the proponents of the augmentation have failed to sustain their burden of proof.

6. Proof of safety with respect to Parkinson's disease and the masking of cancer symptoms is likewise absent, but the questions raised concerning these two issues are not substantial and are not supported by sufficient medical opinion to influence regulatory action.

7. Because of the findings and conclusions above, the augmentation of iron fortification of bread, as set forth in the stayed provisions of the regulations, should not be approved.

TENTATIVE ORDER

Former § 2.97 (21 CFR 2.97) was revoked as part of the promulgation of new administrative regulations, which were published in the FEDERAL REGISTER of November 23, 1976 (41 FR 51706). According to the preamble of that order, all hearings, the notices of hearing for which were issued prior to November 3, 1976, were to be governed by the prior regulations.

Therefore, pursuant to former § 2.97, on the basis of the foregoing discussion, findings of fact, and conclusions of law drawn therefrom: *It is ordered*, That the stayed provisions of the regulations issued October 15, 1973 (38 FR 28558) amending the standards of identity to increase the added iron content of enriched bread flour, enriched self-rising flour, enriched bread, rolls, or buns be withdrawn and §§ 136.115(a)(1), 137.165(a), and 137.185(a) be revised to read as follows:

§ 136.115 Enriched bread, rolls, and buns.

(a) * * *

(1) Each such food contains in each pound 1.8 milligrams of thiamine, 1.1 milligrams of riboflavin, 15 milligrams of niacin, and not less than 8.0 milligrams and not more than 12.5 milligrams of iron.

* * * * *

§ 137.165 Enriched flour.

* * * * *

(a) It contains in each pound 2.9 milligrams of thiamine, 1.8 milligrams of riboflavin, 24 milligrams of niacin, and not less than 13.0 milligrams and not more than 16.5 milligrams of iron.

* * * * *

§ 137.185 Enriched self-rising flour.

* * * * *

(a) It contains in each pound 2.9 milligrams of thiamine, 1.8 milligrams of riboflavin, 24 milligrams of niacin, and not less than 13.0 milligrams and not more than 16.5 milligrams of iron.

* * * * *

Interested persons may, on or before January 17, 1978, filed with the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written exceptions to this tentative order. Exceptions shall point out with particularity the alleged errors in the proposed findings of fact and conclusions and contain specific references to the pages of the transcript of testimony and to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be filed in quadruplicate (except that individuals may submit single copies), and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received exceptions and accompanying briefs may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: November 7, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-33062 Filed 11-17-77;8:45 am]

[4110-03]

[21 CFR Parts 182 and 186]

[Docket No. 77N-0176]

DEXTRANS (AVERAGE MOLECULAR WEIGHT BELOW 100,000)

Affirmation of GRAS Status as Indirect Human Food Ingredients and Deletion of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm dextrans (average molecular weight below 100,000) as generally recognized as safe (GRAS) when used as indirect human food ingredients only. The safety of these ingredients has been evaluated in a comprehensive safety review being conducted by the agency. This proposal would amend the regulations to list dextrans as indirect food substances affirmed as GRAS and delete their listing as direct human food ingredients.

DATE: Comments by January 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202–472–475 .

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of dextrans (average molecular weight below 100,000) has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35, formerly 21 CFR 121.40 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of these ingredients for indirect human food use and to revoke their GRAS status as direct human food ingredients.

Dextrans are high molecular weight polysaccharides composed almost exclusively of α-D-glucopyranose linked primarily through carbon atoms 1 and 6 of adjacent units, but with some glycosidic linkages occurring between carbon atoms 1 and 4, 1 and 3 and/or 1 and 2.

The precise pattern of glycosidic linkages in a dextran is determined by the bacterial strain that produces it. Dextrans are synthesized from sucrose by the nonpathogenic bacteria *Leuconostoc mesenteroides* and *L. dextranicum* and from dextrans derived from starch by *Acetobacter capsulatum* and *A. viscosum*. Dextrans also are produced from sucrose by *Streptococcus* and *Lactobacillus* species. *S. mutans* and *S. sanguis* have been isolated from dental plaques and demonstrated to be dextran producers. A cariogenic strain of *L. acidophilus* was shown to produce an extracellular polysaccharide that was antigenically similar to dextrans. A strain of *L. casei*, isolated from human gingival crevice, synthesized an extracellular dextran. Dextrans are also found in sugar mills and refineries when sucrose-containing solutions become contaminated with dextran-producing bacteria that commonly occur in these facilities. Dextrans also develop naturally in frost-damaged sugar cane and in cut cane if processing is delayed. They have been detected by serological tests in many samples of refined crystalline sucrose, maple syrup, sauerkraut juice, and honey. Water-insoluble dextrans flavored with fruit syrups constitute the commercially produced Philippine dessert *nata*. Dextrans were also shown to be the principal polysaccharide in dental plaque, constituting about 3.7 percent by weight of dry plaque.

Dextrans produced commercially in the United States, Canada, Sweden, and elsewhere are synthesized from sucrose by *Leuconostoc mesenteroides* strain NRRL B–512(F). These dextrans have a molecular weight in the range of 30 to 90 million; partial depolymerization and fractionation result in a series of lower molecular weight products that are marketed principally for pharmaceutical and industrial nonfood uses. The NRRL B–512(F) dextran has 95 percent of the glucopyranose units linked through carbons 1 or 1 and 6; 5 percent carry branches predominantly one or two glucose units long attached at carbon 3 positions.

Dextrans of average molecular weight below 100,000 are listed in § 182.1275 (21 CFR 182.1275, formerly 21 CFR 121.101 (d) prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as GRAS for use in food as miscellaneous and/or general purpose food additives, pursuant to regulations published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938).

A number of applications for dextrans in food have been reported: use in syrups and candies to increase moisture retention, improve body, and inhibit crystallization of the sugar; as a coating film to protect foods such as meats, dried

fruits, and cheese against dehydration in storage; as a stabilizing or body agent in soft drinks; and in a variety of other uses. Available information indicates, however, that the only current food use for dextrans is as a beverage base in combination with liquid glucose and a flavoring agent. Distribution of this product appears to be limited. No other use of dextrans in food was reported in a survey of a representative cross section of food manufacturers. A small amount of dextrans may be ingested as an impurity in sucrose or as a product of bacteria associated with dental plaque.

Dextrans 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 1,116 abstracts on dextrans was reviewed, and 61 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 (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Dextran is digested and absorbed from the gastrointestinal tract of animals and man. Bloom and Wilkelmi reported that oral administraton of dextran (3 g per kg body weight) to 24-hour-fasted male rats resulted in a 40 percent increase in blood sugar 1 hour after feeding and 19 percent at 4 hours. Increase in level of blood sugar also was observed in four 12-hour-fasted human subjects at one-half hour (23 percent increase) and 2 hours (18 percent increase) after ingestion of 100 or 200 ml of 20 percent dextran (0.33 to 0.67 g per kg body weight). They found that dextran fed to human subjects was not recovered in the stools. In the rat it was shown that increase in blood sugar was accompanied by an approximate fourteenfold increase in liver glycogen as determined 4 hours after feeding. The rapid increase in blood sugar indicated that the breakdown of dextran was not solely due to action of dextran-degrading bacteria, which have been isolated from human feces, but that an enzyme in the intestinal mucosa also was involved.

Parkinson administered by stomach tube 500 mg (1.8 g per kg body weight) dextran, molecular weight 75,000, to 24-hour-fasted male Sprague-Dawley rats. Glycogen determinations on liver excised 4 hours later showed a sixfold greater concentration in rats that received dextran compared to that of control animals receiving distilled water. Homogenates of intestinal mucosa, which were prepared from rats fasted 24 hours, showed dextranase activity. Several tissues of rats, rabbits, dogs and cattle were shown to contain dextran-splitting enzymes. Activity decreased in the following order: spleen and liver, kidney, lung and brain, and muscle; no dextranase activity was detected in blood. The only products of dextranase action were glucose and residual dextran; hence the enzyme was classified as an α-glucosidase. Ammon found that the spleen, liver and kidneys of humans also contained a dextranase. More pertinent to the digestion of orally ingested dextran was the finding of dextranase activity in extracts of small-intestinal mucosa of the rat, guinea pig, rabbit, pig, cow, dog and man. Rosenfeld recently reported that α-glucosidases from human and animal tissues hydrolyzed dextrans containing 1,6- and 1,3-linkages almost completely but only partially hydrolyzed dextrans containing 1,2-linkages.

Hellman studied the metabolism of intravenously infused carbon-14 labeled dextran in man and found that within 10 days after infusion, 64 percent of the radioactivity was eliminated in the urine and 26 percent in expired carbon dioxide; about 2 percent appeared in the feces. These findings indicate metabolism of dextran in man after intravenous infusion.

Terry et al. infused five dogs intravenously with 0.78 to 1.30 g per kg body weight of carbon–14 labeled dextrans, molecular weight 66,000 and 86,000, and followed the distribution of radioactivity in the urine, expired air and blood at intervals over a period of 3 to 13 days. The animals were sacrificed and radioactivity in various tissues was determined. After 72 hours, 55.6 to 76.0 percent of the radioactivity appeared in the urine largely as dextran, and 4.6 to 9.0 percent in the expired air. At sacrifice after 3, 4, 5, 12 and 13 days a total of 8.7, 14.5, 10.9, 5.1 and 3.5 percent, respectively, of the infused radioactivity was found in liver, muscle, skin and hair, and other tissues. Since [^{14}C] carbon dioxide production continued after circulating plasma levels were reduced to negligible levels, the authors concluded that dextran was metabolized after deposition in the tissues.

Gray and Highland determined the metabolic half-life of carbon-14 labeled dextran, molecular weight 86,000, from the residual radioactivity in the whole carcass of adult white mice 1 to 5 weeks after infusion (0.5 to 0.6 g per kg body weight) in the tail vein. Metabolic half-life was 6.1 days; residual radioactivity at 5 weeks after infusion was 0.2 percent of the total activity infused. Radioactivity measurements were made on lipid, carbohydrate and protein fractions extracted from the carcasses of animals sacrificed 1 to 25 days after infusion. Radioactivity in the protein fraction increased rapidly in the first 2 days after infusion and then decreased rapidly for the next few days. After the fifth day the level was low and decreased very slowly. Activity in the carbohydrate fraction was highest on the first day, probably reflecting the presence of residual dextran. As in the case of the protein fraction, radioactivity in the carbohydrate fraction fell sharply. Uptake of carbon-14 in carcass lipids was considerably slower, reaching a peak about the fifth day and then declining slowly. The data were interpreted as indicating that dextran is broken down by the animal, incorporated into the carbon pool and converted into substances normally found in the animal.

Evidence for intestinal absorption of polymeric dextran was presented by Bienengraber and coworkers who reported the presence of fluorescent-labeled dextran in the epithelial cells of intestinal villi of 36-hour-fasted female Wistar rats sacrificed 5 to 120 minutes after drinking 0.5 percent solutions of dextran, 80,000 molecular weight, labeled with dansyl chloride.

Irikura et al. reported that clinical dextran (molecular weight 700,000) was not toxic at a dose of 12 g per kg for mice and 3 g per kg for rats when administered orally in isotonic solution containing 6 percent dextran and 5 percent glucose. Injected in the tail vein of mice at a rate of 1 ml of 6 percent solution per minute, the LD_{50} values for dextran were 12.1 and 13.0 g per kg for females and males, respectively. Corresponding LD_{50} values for rats were 6.9 and 8.2 g per kg when injected at the rate of 3 ml per minute. For intravenously infused dextran, Long et al. reported an LD_{50} in dogs of about 12 g per kg. Gelin and Ingelman found that intravenously administered doses (15 percent solution) up to 42 g per kg could be given to mice without causing death.

Booth et al. included dextran in a study on the physiological effects of the oral ingestion of microbial polysaccharides by rats. In subacute toxicity tests, NRRL B–512(F) dextran was fed at a 15 percent level for 62 days to weanling white albino rats. Dextran replaced part of the corn starch in a basal ration consisting of corn meal, crude casein, linseed oil meal, alfalfa meal, cod liver oil, bone ash, sodium chloride and corn starch. Weight gain and feed efficiency did not differ significantly from that of the control group. No averse physiological effects were reported. Caloric availability and digestibility of dextran were determined by feeding dextran as a supplement to a commercial rat chow at restricted caloric levels. At 16.4 percent level in the diet, digestibility of a high-molecular-weight dextran was 86 percent and that of a low-molecular-weight dextran was 90 percent; digestibility of another dextran fed at a 7.4 percent level was 78 percent. Weight gain on dextran diets was comparable to that on the basal diet supplemented with glucose at similar levels, indicating good utilization of dextran.

The Select Committee is not aware of any reports on long-term animal feeding studies of dextran.

An extensive study of the carcinogenicity of dextrans and other macromolecular substances administered to mice and rats for up to 2 years and to rabbits up to 4 years, reported the appearance of sarcomas in the tissues in which the substances were retained and stored. The dextrans differed in degree of branching and in molecular weight and were administered in single and multiple doses through the subcutaneous and intraperitoneal routes to mice (10 g per kg body weight) and rats (5 g per kg) and intravenously to rabbits (8.8 to 16.8 g per kg total dose). A branched dextran, 89,400 molecular weight, was most carcinogenic as measured by the percentage of treated animals affected, compared either to dextrans more or less highly branched or to homologous dextrans of similar degree of branching but higher or lower in molecular weight. Control animals in these experiments exhibited some cancers but at considerably lower incidence and did not show the different developmental and precancerous changes found in the affected treated animals. Because of the parenteral administration of the dextrans, this information was of questionable value to the Select Committee in considering the food use of dextran. The following test with iron-dextran was viewed similarly. Weekly intramuscular injection of an iron-dextran complex into male adult albino rats, each dose equivalent to about 70 mg iron as ferric hydroxide per kg body weight, over a period of 11 to 16 months resulted in tumors at the site of injection in 16 to 23 rats. However, rats given weekly injections of dextran, 110 mg per kg, or normal saline solution did not develop tumors.

Intravenous infusion of clinical dextran in humans lowered cholesterol and plasma lipid levels; initial levels were regained 3 to 7

weeks after treatment. Oral administration of 60 ml of 6 percent dextran solution for 30 days (1.8 g per kg total dose) resulted in a reduction in cholesterol and other serum lipid levels equivalent to that obtained by the intravenous administration of dextran. No effect of orally ingested dextran on serum lipids was reported in another study.

Allergic reactions have been reported in humans receiving intravenous infusions of clinical dextran for the first time. Incidence of reactions appeared to be related to chemical structure in a comparison of two dextrans; the one having the greater proportion of non-1,6-linkages caused a greater incidence of untoward reactions. The more highly branched dextran also gave a higher incidence of positive skin tests and precipitated antibody nitrogen from preinfusion sera of a greater proportion of individuals. Although subcutaneous injection of dextran elicited antibody formation in humans, intravenous infusion of clinical dextran apparently did not. Occurrence of preinfusion antibodies was attributed to exposure to dextran as an impurity in commercial sucrose or to dextran produced by organisms in the gastrointestinal tract. Alternatively, the skin sensitivity and precipitable antibodies were suggested to result from cross reaction with antibacterial antibodies arising from previous infections. Dextrans cross react with types II, XII, and XX rabbit antipneumococcal sera. Extent of reaction was associated with the chemical structure of the dextran. Dextrans also cross react with antisera to *Salmonella typhi*, other members of this *Salmonella* group and to *Streptococcus*, group H.

Allergic or anaphylactic reactions have been reported in less than 1 percent of the patients who received infusions of clinical dextran. Unfavorable ractions were reported in less than 1 percent of 1,500 patients who received Swedish clinical dextran prior to 1948 and 10 among 13,434 patients in the period 1955 to 1958; 15 of 1,647 patients who received a British dextran solution prior to 1952 exhibited urticarial, allergic or anaphylactoid reactions; and 11 allergic reactions were reported among 2,657 administrations of Czechoslovakian-produced clinical dextrans over the period 1960–68. Although the occurrence of allergic reactions to dextran on intravenous infusion is well documented, the significance of this information to ingestion of dextran as a food is questionable.

No studies were found on the mutagenicity, teratogenicity, or fetotoxicity of dextrans.

All the available safety information on dextrans has betn carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Dextrans are polysaccharides composed of α-D-glucopyranose units and are commercially prepared by the action of bacterial enzymes on sucrose. They occur naturally in small amounts in such foods as refined crystalline sugar, maple syrup, sauerkraut juice, and honey and also as a component of dental plaque.

No use of dextran in food was reported in the 1970 survey of food processors conducted by an NRC (National Research Council of the National Academy of Sciences) subcommittee and the Select Committee concludes that any undisclosed use was probably small. More recently, however, one company has marketed a beverage product containing dextran. Current distribution and use of this product also appear to be small.

Oral ingestion studies in animals and man have shown that dextran is broken down by intestinal enzymes and is absorbed from the gastrointestinal tract. Intravenously administered dextran also is metabolized in animals and man. Weight gain of rats fed diets containing 15 percent dextran in short-term tests was comparable to that on a glucose supplemented diet indicating good utilization of dextran as an energy source. No adverse physiological effects were noted in these tests nor were any reported in acute toxicity tests.

The absence of evidence of harm in the limited biological tests that have been conducted and the extensive use of dextran as a blood volume expander without untoward effects, except for reaction of an allergic type in a low percentage of patients, support the opinion of the Select Committee that the use of dextran in food at present levels poses no problem. However, there is no long history of use of dextran as an ingredient of food products. Should the level of use be increased, particularly as a beverage product in which dextran is a major component, the existing scientific data are insufficient for judgment as to possible health hazards.

It is the conclusion of the Select Committee that there is no evidence in the available information on dextran that demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine without additional data whether a significant increase in consumption would constitute a dietary hazard. Recently, the Select Committee clarified this conclusion, emphasizing that dextrans are considered safe when used as a component of food-packaging materials, and that insufficient scientific data are available upon which to base an approval for direct food use of this substance. Based upon his own evaluation of all available information on dextrans, the Commissioner concurs with the conclusion of the Select Committee. Therefore, the Commissioner concludes that direct human food use of dextrans cannot be affirmed as GRAS at this time. Moreover, unless approved in accordance with section 409 of the act and with 21 CFR 170.35 or 21 CFR 171.1 (formerly 21 CFR 121.40 and 121.51, respectively, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), such use would be in violation of section 402 of the act (21 U.S.C. 342).

Regarding the use of dextrans, the Commissioner believes that additional commentary is desirable.

On April 13, 1973 (38 FR 9310) the Commissioner proposed to delete a number of substances, including dextrans, from the GRAS list because a survey of food manufacturers on the use of GRAS ingredients indicated that the substances were no longer used as food ingredients. Several comments were received in response to that proposal, indicating that dextrans were being used and requesting retention of GRAS status for these substances. The following uses or projected uses for dextrans were described:

1. Three comments mentioned the possible development of new food applications.

2. Several comments indicated current usage of dextrans in animal feeds.

3. One comment mentioned research on reduction of caries in animals and future development of clinical studies in this area.

4. Two comments described present applications in the use of dextrans for manufacture of paper and paperboard food-packaging materials.

5. One comment described a direct food use of dextrans in beverages.

Further information was sought from these comments on the possible new food applications for dextrans. When the three firms interested in these applications were contacted regarding their plans for marketing foods containing dextrans, two indicated that they have no such plans, while efforts to reach the third firm were unsuccessful. A major trade association was also asked to canvass its members regarding any reported food uses of dextrans. No reports of direct food use of these ingredients were received.

Regarding other uses of dextrans, the Commissioner concludes that this proposed action does not affect present uses of dextrans in animal feed or pet foods. The Commissioner also concludes that uses of dextrans for reduction or prevention of caries are drug applications for these ingredients. Such uses are not permitted by food or food additive regulations and require specific drug use approval.

Although the use of dextrans in the manufacture of paper and paperboard food-packaging materials was not previously listed as GRAS, the Commissioner believes that the information developed for this safety review is sufficient to conclude that dextrans are safe for use in such food-packaging materials and that they may be affirmed as GRAS for this purpose.

The only direct human food use mentioned for dextrans was in a beverage product containing 6 percent low molecular weight dextrans, glucose, and a flavoring agent, which was marketed in two cities in the United States as a source of calories. Current information indicates that this product is no longer manufactured or distributed. After thorough review of the potential consumption of dextrans from this product and the available safety information, the Commissioner concludes that there is insufficient available information to justify consumption of dextrans from this product or to assess the potential health impact of significantly higher consumption of dextrans in other beverage products should such use occur. The Commissioner therefore concludes that dextrans cannot be affirmed as GRAS for direct human food use in beverages and that a food additive petition must be submitted and approved for such use.

Copies of the scientific literature review on dextrans and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

Title	Order No.	Price code	Price[1]
Dextrans (scientific literature review).	PB-234-889/AS	A05	$5.00
Dextrans (select committee report).	PB-254-537/AS	A02	3.50

[1] Price subject to change.

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 and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.1275 [Revoked]

1. By deleting § 182.1275 *Dextrans.*

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. By adding new § 186.1275 to Subpart B of Part 186, to read as follows:

§ 186.1275 Dextrans.

(a) Dextrans (CAS Reg. No. PM9004–54–0) are high molecular weight polysaccharides produced by bacterial fermentation of sucrose. Commercially available dextrans are synthesized from sucrose by *Leuconostoc mesenteroides* strain NRRL B–512(F). Partial depolymerization and purification of the fermented mixture shall produce a product that is free of viable microorganisms.

(b) The ingredient meets the following specifications:

Ash	percent	<0.1
Crude fat	do	<0.15
Protein	do	<1.0
Average molecular weight		<100,000
Specific rotation	degrees	+200
Arsenic	ppm	<1
Total heavy metals (as lead)	kkm	<10
Solvent residue (acetone)	kkm	<15

(c) The ingredient is used or intended for use as a constituent of food-contact surfaces.

(d) The ingredient is used at levels not to exceed good manufacturing practice.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods 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 response to this proposal constitutes a waiver of the right to assert or rely on such 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 January 17, 1978, submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 11, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–33165 Filed 11–17–77;8:45 am]

[6560–01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 817–2]

[40 CFR Part 205]

NEW TRUCK-MOUNTED SOLID WASTE COMPACTORS

Noise Emission Standards; Correction

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule corrections.

SUMMARY: This notice corrects clerical errors appearing in the proposed noise emission regulation for truck-mounted solid waste compactors (42 FR 43226, August 26, 1977).

FOR FURTHER INFORMATION CONTACT:

Mr. Fred Mintz, Program Manager, Standards and Regulations Division (AW–471), U.S. Environmental Protection Agency, Washington, D.C. 20460, or phone 703–557–2710.

SUPPLEMENTARY INFORMATION: On August 26, 1977, at page 43226 the Agency published a preamble and proposed noise emission regulation for truck-mounted solid waste compactors. This was FR Doc. 77–24864. The following corrections should be made to that document.

(1) On page 43227, first column, footnote, "unded" should be "under."

(2) On page 43228, second column under Type of Unit, the second listing, "Conventional units, gasoline ered ____ 81.8" should read: "Conventional units, diesel powered ____ 81.8."

(3) On page 43229, third column, line 6, "product" should be "product." Line 7, "beleives" should be "believes." Line 11, "emisisons" should be "emissions."

(4) On page 43230, third column, line 1, "elacticity" should be "elasticity."

(5) On page 43231, third column, line 7 from bottom of page, "percentages" should be "percentage."

(6) On page 43232, second column, heading, "6.5 Compliance Section" should be "6.5 Compliance Labeling."

(7) On page 43232, third column, first paragraph, line 6, a close parenthesis should be between the words "level" and "which." The line should read "weighted sound level) which the manu-."

(8) On page 43232, third column, the last line of the first paragraph is printed twice. The second printing (i.e. the last line) should be deleted.

(9) On page 43233, first column, line 4 under 8.0 Public Comment, "EFA" should be "EPA."

(10) On page 43233, second column, line 5 under 9.0 Background Document, "Eexecutive" should be "Executive."

(11) On page 43233, third column, line 9, "U.S.C. 4095" should be "U.S.C. 4905."

(12) On page 43235, first column, under § 205.204(b), line 6, "with" should be "within."

(13) On page 43236, third column under § 205.205–2(b)(3), line 1, "vertifi-" should be "verifi-", hyphenating the word "verification."

(14) On page 43238, first column, under § 205.205–5, line 3, the word, "by" was omitted after "required." The line should read, "required by § 205.205–2 shall be a compactor."

(15) On page 43238, first column, under § 205.205–6(a), line 18, "of" should be "by."

(16) On page 43238, second column, under § 205.205–8, (b), (2), line 6, "with" should be "within."

(17) On page 43238, third column, § 205.205–11(a)(4)(iv), line 2, "of" should be "or."

(18) On page 43241, third column, under § 205.208–2(a), line 6, "migh" should be "might."

(19) On page 43241, third column, under § 205.208–2(a), line 10, "§ 205.22." should read "§ 205.202."

(20) On page 43241, third column § 205.208–2(d)(2) line 3, "are" is printed twice, the second "are" should be deleted.

(21) On page 43242, in Table II of Appendix I there is an incorrect figure. Under "Cumulative test sample size" line 4, "8" should be "6." That column should read "4,3,3,6,2,4,6,8,10,12,14."

(22) On page 43243 in Table III of Appendix I there are two incorrect figures. Under "Cumulative number of batches" the first figure should be changed from "3" to "2". Under "Acceptance number" the figure "6" should be changed to "5".

Dated: November 4, 1977.

DAVID G. HAWKINS,
Assistant Administrator for Air and Waste Management.

[FR Doc.77–33293 Filed 11–17–77;8:45 am]

[1505–01]

[40 CFR Part 51]

[FRL 811–5]

REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Prevention of Significant Air Quality Deterioration

Correction

In FR Doc. 77–31890 appearing at page 57471 in the issue of Thursday, November 3, 1977, on page 57474, in the sixth line of § 51.24(b)(6), the word "subdivision" should read "subdivisions".

The document submitted for publication by the Environmental Protection Agency contained the statutory term "clauses". To meet the editorial style of the daily FEDERAL REGISTER and the Code of Federal Regulations, the Office of the Federal Register changed the statutory term "clauses" to "subdivision".

[1505–01]

[40 CFR Part 52]

[FRL 811–6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Prevention of Significant Air Quality Deterioration

Correction

In FR Doc. 77–31889 appearing at page 57479 in the issue of Thursday, November 3, 1977, on page 57483, in the sixth line of § 52.21(b)(6), the word "subdivision" should read "subdivisions".

The document submitted for publication by the Environmental Protection Agency contained the statutory term "clauses". To meet the editorial style of the daily FEDERAL REGISTER and the Code of Federal Regulations, the Office of the Federal Register changed the statutory term "clauses" to "subdivision".

[7035–01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1047, 1082]

[Nos. MC–C–3437, MC–C–4000]

MOTOR TRANSPORTATION OF PROPERTY INCIDENTAL AND PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

AGENCY: Interstate Commerce Commission.

ACTION: Notice of informal conference.

SUMMARY: The purpose of this document is to give notice that the Interstate Commerce Commission will hold an informal conference in order to afford the parties a further opportunity to make their views known about the Commission's proposal. The proposal is to determine whether the area (the "air terminal area") within which motor transportation of property and passengers incidental to transportation by aircraft is exempt from economic regulation under the Interstate Commerce Act should be redefined and expanded.

DATES: The conference will be held December 14, 1977, at 9 a.m. (Eastern Standard Time) at the offices of the Interstate Commerce Commission in Washington, D.C., in Hearing room B.

ADDRESSES: Send written notification of desire to participate in the informal conference by December 1, 1977, to the Assistant Deputy Director, Office of Proceedings, Section of Operating Rights, room 5316, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, room 5316, Interstate Commerce Commission, Washington, D.C. 20423, 202–275–7292.

SUPPLEMENTARY INFORMATION: The above-entitled proceedings were instituted by a notice published in the FEDERAL REGISTER on May 25, 1977, at 42 FR 26667. In that notice we stated that "Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence concerning the matters involved in this notice may do so by the submission of written data, views, or arguments." [42 FR at 26667]. The deadline ultimately set for the filing of comments was September 19, 1977. Numerous and extensive comments were filed.

The comments establish that these proceedings involve many complex issues of fact and law. We are of the opinion that an informal conference in these proceedings may aid us in better understanding these issues. We have, therefore, resolved to hold an informal conference in these proceedings in order to afford the parties a further opportunity to make their views known.

The conference will be held in Washington, D.C., on December 14, 1977, at the offices of the Commission, 12th St. and Constitution Ave. NW., in Hearing room B. The conference will commence at 9 a.m. (e.s.t.) and will last all day, if necessary. The conference will be chaired by Michael Erenberg, Assistant Deputy Director of the Office of Proceedings, Section of Operating Rights. Other staff personnel will also participate in the conference.

Persons desiring to participate in the conference must give written notice of their intention to participate by letter to the Assistant Deputy Director, Office of Proceedings, Section of Operating Rights, by December 1, 1977.

It would be helpful to the Commission if the parties at the conference would address the following issues, which are not to be construed as all-inclusive, but rather as focal points for informed discussion: (1) Are the existing 25-mile "rule of thumb" standard in 49 CFR 1047.40, and the 25-mile standard in 49 CFR 1047.45, adequate? (2) Should air terminal areas be redefined as zones surrounding airports? (3) Would an expanded 100-mile standard better satisfy section 203(b)(7a) of the Interstate Commerce Act and the needs of the shipping and travelling public? (4) Would an expanded mileage standard other than 100 miles better satisfy section 203(b)(7a) and the public interest? (5) What impact will an expanded mileage standard have on regulated motor carriers, nonregulated motor carriers, surface freight forwarders, air freight forwarders, and direct air carriers? (6) What changes would adoption of an expanded mileage standard create in (a) competitive relationships, (b) quality of transportation services, (c) rates, revenues, and financial results, (d) operating efficiency, (e) conservation of scarce resources, (f) impact on the environment, and (g) operating rights application activity? (7) Would a standard based upon some factor other than mileage better satisfy section 203(b)(7a) and the public interest?

Time will be allocated to these seven questions by the chairman of the conference.

Notice of the informal conference shall be given to the general public by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of this notice to the Director, Office of the Federal Register, for publication therein.

By the Commission. (Commissioner MacFarland not participating).

Decided November 9, 1977.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–33266 Filed 11–17–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-01]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

1978 FEED GRAIN PROGRAM

Determinations Regarding Proclamation of 1978 Crop National Program Acreages and Set-Aside Levels for Corn, Grain Sorghums, and Barley

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of Determination of the 1978-crop National Program Acreages and Set-Aside Levels for Corn, Grain Sorghums, and Barley.

SUMMARY: This notice is for the purpose of proclaiming a national program acreage and set-aside level for the 1978-crops of corn, grain sorghums, and barley in accordance with applicable sections of the Agricultural Act of 1949 as amended by the Food and Agriculture Act of 1977 (referred to as the "Act"). Provisions of the Act, as amended, require that a determination of the national program acreages and set-aside requirements be made by the Secretary not later than November 15 prior to the year in which the crop is harvested. This determination establishes a national program acreage and set-aside requirement for the 1978-crops of corn, grain sorghums, and barley.

EFFECTIVE DATE: November 15, 1977.

ADDRESS: Production Adjustment Division, ASCS-USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Bruce R. Weber (ASCS), 202-447-7633.

SUPPLEMENTARY INFORMATION: The need for this notice is to satisfy the statutory requirements as provided for in Section 105A (d) (1) (3) and (f) (1) of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977 (referred to as the "Act"). It is essential that these decisions be made effective as soon as possible since the proclamation of the national program acreages and set-aside levels are required by statute to be made not later than November 15, 1977.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on October 26, 1977, 42 FR 56511 and 512, in accordance with 5 U.S.C. 533. No comments were received regarding the national program acreages. Fifteen comments were received urging that a set-aside be implemented for the 1978 crops of feed grains, however, no levels were recommended. Two comments were received stating a set-aside should be effective only if diversion payments were made on the set-aside acreage. No comments were received regarding no set-aside on feed grains. All comments received were duly considered by the Secretary in making the following determinations.

1. National Program Acreage for the 1978-crops of corn, grain sorghums and barley.

It is hereby proclaimed that the national program acreags for the 1978-crop of corn shall be 67.6 million acres; grain sorghum 13.7 million acres and barley 7.4 million acres. The national program acreages are based on the following data:

	Corn	Grain sorghum	Barley
(1) Estimated domestic consumption, 1978-79 (million bushel)	4,550	495	350
(2) Plus estimated exports, 1978-79 (million bushel)	1,625	250	45
(3) Minus adjustment to decrease stocks to desired level (million bushel)	−92	0	−57
(4) Minus estimated imports, 1978-79 (million bushel)	−1	0	−10
(5) Divided by national weighted average farm program payment yield (bushel/acre)	90.0	54.5	44.5
(6) Equals: 1978 national program acreage (million bushel)	67.6	13.7	7.4

2. Set-Aside Level for 1978-crops of corn, grain sorghums and barley. It is hereby determined and proclaimed that a set-aside of cropland equal to 10 per centum of the corn, grain sorghum and barley acreage planted for harvest in 1978 will be in effect. As a result of record U.S. feed grain production this year, stocks are projected to rise to 44 million metric tons or 6 million tons above the adequate carryover levels. Stocks will become even more excessive in 1978 if a set-aside were not imposed. The announced set-aside levels are expected to moderate any further projected stock increases.

3. Voluntary Reduction From 1977 Plantings for 1978-crops of corn, grain sorghums and barley.

It is hereby determined and proclaimed that producers who voluntarily reduce their 1978 corn, grain sorghum and barley acreage planted for harvest as grain from that planted in 1977 by at least 5 per centum for corn and sorghum; and 20 per centum for barley shall be guaranteed target price protection on the normal production from the entire acreage.

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

NOTE.—The ASCS, to meet the requirements of the National Environmental Policy Act (Pub. L. 91-190 42 U.S.C. 4321 et. seq.) has developed an environmental assessment on the program and has determined that the proposed action would not constitute a major Federal Action significantly affecting the human environment.

Signed at Washington, D.C., on November 15, 1977.

JOHN E. WHITE,
Acting Secretary.

[FR Doc.77-33403 Filed 11-15-77;6:14 pm]

[3410-15]

Rural Electrification Administration

SOUTH TEXAS ELECTRIC COOPERATIVE, INC.

Proposed Loan Guarantee

Under authority of Public Law 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 $14,715,000 to South Texas Electric Cooperative, Inc., Victoria, Texas. These loan funds will provide South Texas with financing required for the construction of approximately 146 miles of 138 kV transmission line, 31 miles of 69 kV transmission and related facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. William S. Robson, Manager, South Texas Electric Cooperative, Inc., Rt. 6, Bldg. 102, Victoria Regional Airport, Victoria, Texas 77901.

In order to be considered, proposals must be submitted on or before December 19, 1977 to Mr. Robson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as South Texas

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 14th day of November, 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-33456 Filed 11-17-77;8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

PIEDMONT AVIATION, INC.

Applications for Amendment of Certificate of Public Convenience and Necessity for Route 87; Order to Show Cause

[Dockets 31049 and 31101; Order 77-11-41]

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of November, 1977.

On June 27, 1977, Piedmont Aviation filed an application, and a petition for an order to show cause why its certificate of public convenience and necessity for Route 87 should not be amended so as to change its present two-stop restriction in the Raleigh/Durham-New York/Newark market to a one-stop restriction.[1]

In support of its petition, Piedmont stresses that the purpose of requesting the change to a one-stop restriction in the Raleigh/Durham-New York/Newark market is not to enhance its competitive position in that market, but rather to improve its aircraft routing flexibility. In particular, Piedmont states that relief from its present two-stop restriction in the above market will strengthen its ability to route aircraft to other markets, such as Richmond-New York where the carrier holds unrestricted authority. The carrier further argues that grant of the relief requested, by improving its efficiency, will assist in reducing its need for Federal subsidy. Piedmont relies heavily on the Board's pronouncements in Application of Western Air Lines, Inc., Order 76–5–101, May 21, 1976, in support of the propriety of employing show-cause procedures as a means of granting the improved authority which it requests. In this respect, it observes that Order 76–5–101 establishes a realignment guideline, intended to be applicable to trunkline and local service carriers alike, which provides that in non-minor markets the applicant will be restricted to one intermediate stop more than the competitor's best round-trip single-plane service in the market. Piedmont's request, it claims, meets the *Western* standard as both Eastern and United provide nonstop service in the 190,000 local plus connecting passenger Raleigh/Durham-New York/Newark market.[2] Consequently, it argues, its request for improved authority in this market lacks significant competitive implications.

Answers in support of Piedmont's petition were filed by the Raleigh-Durham Airport Authority, the Memphis parties,[3] and the Commonwealth of Virginia.[4]

An answer in opposition to Piedmont's petition was filed by Eastern. Apparently conceding that Piedmont's request falls within the realignment guidelines announced in Western, Eastern nonetheless submits that the request raises serious competitive considerations which cannot be properly resolved through the use of show-cause procedures. Eastern views Piedmont's request as an attempt to garner additional backup traffic support for its Richmond-New York nonstop service. Since Piedmont made no claim in the *Service to Richmond Case*, Docket 24412, in which it was granted Richmond-New York nonstop authority, that it needed backup support via Raleigh/Durham to support its Richmond-New York service, Eastern argues, Piedmont should be precluded from strengthening its system support for that service at the present time. Although Eastern does not assert that Piedmont's share of the Raleigh/Durham-New York/Newark market will directly increase significantly as a result of this proposal, Eastern advances the general argument that a "strengthened" Richmond-New York nonstop service by Piedmont would divert traffic from the Raleigh/Durham-New York/Newark market. "In view of the fact that Piedmont's petition for an order to show cause does not demonstrate on its face that the requested relief will result in improved public service benefits," Eastern concludes, "it is clear that a hearing should be convened in order to analyze fully the merits of Piedmont's application."

Piedmont filed a motion for leave to file an other unauthorized document, accompanied by a reply to the answer of Eastern.[5]

In a separate docket, Piedmont is requesting the Board also to issue a show-cause order proposing amendment of the carrier's certificate for Route 87 so as to change its two-stop restriction between Charlotte, North Carolina, and Washington, D.C., to a one-stop.[6]

In support of its petition, Piedmont makes many of the same arguments: that Board policy supports the liberalization it is requesting; that its two-stop restriction in the Charlotte-Washington market merely serves to hamper scheduling flexibility and to waste scarce fuel resources; and that the requested change to a one-stop restriction in the market will have no significant competitive consequences. It points to the fact that the 73,860 local plus connecting passenger Charlotte-Washington market is now served by four nonstop daily round trips and a daily one stop operated by Eastern,[7] and argues it is unlikely that many passengers in the market would be diverted from Eastern's superior service.

An answer in opposition to Piedmont's petition requesting one-stop Charlotte-Washington authority was filed by Eastern. Eastern argues that Piedmont has overstated the extent to which its operational flexibility and service to other markets are inhibited by its present Charlotte-Washington two-stop restriction. Although Eastern does not allege that the proposed restriction modification would result in significant diversion from its services, it contends that Piedmont has failed to demonstrate sufficiently that this would not happen. For the above reasons, Eastern contends that Piedmont's petition proposes an inappropriate use of show cause procedures.

We have tentatively concluded that the public convenience and necessity require the modification of Piedmont's two-step restrictions in the Raleigh/Durham-New York/Newark and Charlotte-Washington markets to one-stop restrictions; that the applications present no questions of fact or law requiring a full evidentiary hearing complete with the opportunity for oral cross-examination; and that all interested persons should be directed to show cause why the Board's tentative findings and conclusions should not be made final.[8]

In support of the above determination, we tentatively find that the amendments proposed are consistent with the Board's often reiterated general policy of eliminating or modifying certificate restrictions, the retention of which have been placed in issue, absent an affirmative showing that their continuance is required.[9] The authority requested involves

[1] Docket 31049.

[2] The September 1, 1977, issue of the OAG reveals that the Raleigh/Durham-New York/Newark market is served by four daily nonstop round trips by Eastern and 2 daily nonstop round trips by United. Additionally, Eastern offers two daily one-stop flights northbound, and a daily one-stop flight southbound.

[3] The City of Memphis, Tenn., and the Memphis Area Chamber of Commerce.

[4] The Department of Transportation of the Commonwealth of Virginia and the Virginia State Corp. Commission.

[5] We have decided to deny Piedmont's motion. Adequate justification for its reception has not been shown. For the most part, the reply merely restates argument and information contained in the petition, and would do little to assist the record.

[6] Application of Piedmont Aviation, Inc., for amendment of certificates of public convenience and necessity, and Petition of Piedmont Aviation, Inc. for an order to show cause, both filed in Docket 31101, on July 8, 1977.

[7] OAG, September 1, 1977.

[8] We further find that Piedmont is a citizen of the United States within the meaning of the Federal Aviation Act of 1958, as amended, and is fit, willing, and able properly to perform the transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[9] See, e.g., Orders 77–3–175, March 31, 1977; 77–3–13, March 2, 1977; 75–7–15, July 2, 1975; 74–763, July 16, 1974; 69–6–87, June 17, 1969.

no new stations or equipment for Piedmont and will permit the carrier more scheduling and operating flexibility. Moreover, the requested authority plainly falls within the route realignment guidelines established by the Board.[10]

We tentatively find that Eastern's objections to the use of the show-cause vehicle to process the requests of Piedmont are not persuasive. Eastern's argument that Piedmont has failed to meet its burden that the liberalization of the operating restrictions in issue will result in additional public service benefits misses the mark. As indicated above, the elimination or modification of certificate restrictions—especially those falling within the Board's realignment guidelines—are presumptively in the public interest and, consequently, required by the public convenience and necessity. Removal of operating restrictions can provide a carrier with the opportunity to improve scheduling flexibility and equipment utilization, conform route authority to traffic flow, reduced subsidy need and some passenger fares, reduce flight circuity in many markets, and improve overall economic performance.[11] It is the objector who has the burden of demonstrating that removal will impair adequacy of service to any point or have a substantial adverse impact on another carrier.[12] In both the Raleigh/Durham-New York/Newark and Charlotte-Washington, D.C., markets, the incumbent carriers will retain nonstop authority against one-stop authority for Piedmont. In these circumstances, Eastern's unsupported statements of competitive injury do not satisfy this burden. In any event, the procedures proposed here will afford Eastern, and all other interested persons, yet another opportunity to present evidence and properly supported argument in opposition to our proposed findings and conclusions.

Since Piedmont has indicated that its proposals will not result in any substantial increase in air carrier operations, we also tentatively fined and conclude that the Board action proposed here will not constitute a major Federal action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Accordingly, it is ordered that:

1. The petitions of Piedmont Aviation, Inc., for an order to show cause, filed in Dockets 31049 and 31101, be granted;

2. The motion of Piedmont Aviation, Inc., for leave to file an otherwise unauthorized document, in Docket 31049, be denied;

3. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending the certificate of public convenience and necessity of Piedmont Aviation, Inc., for Route 87 so as to modify its current two-stop restrictions to one-stop restrictions on flights operated between Raleigh/Durham and New York/Newark, and between Charlotte and Washington, D.C.;

4. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments proposed here, shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in ordering paragraph 7, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections. Answers shall be filed within 15 days thereafter;

5. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [13]

6. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth here; and

7. This order shall be served upon all persons contained in the service lists attached to the petitions of Piedmont Aviation, Inc., for an order to show, filed in Dockets 31049 and 31101.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[14]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-33368 Filed 11-17-77;8:45 am]

[10] Order 76-5-101, May 21, 1976.
[11] Order 74-7-63.
[12] Order 69-6-87.

[13] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be intertained.
[14] All Members concurred.

[6320-01]

TRANSCONTINENTAL LOW-FARE ROUTE PROCEEDING, ET AL.

Applications; Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of November, 1977.

In the matter of Transcontinental Low-Fare Route Proceeding (Docket 30356); petition of the Philadelphia Parties for an investigation into Philadelphia's transcontinental airline service and fares (Docket 31097); applications of Trans International Airlines, Inc., Amos E. Heacock d.b.a. Air Transport Associates, Northwest Airlines, Inc., Conner Air Lines, Inc. for certificates of public convenience and necessity (Docket 30508/31047, 30513, 30517, 30712); applications of Smith E. Spicher d.b.a. S.S.W., Inc., Paramount Airlines, Inc., Central Air Transport, Inc. for exemptions to perform supplemental air transportation (Docket 30869, 30893, 30894).

In this order, the Board is ruling on petitions for reconsideration of Order 77-6-23, June 7, 1977, as well as various applications, petitions, and motions omitted from Order 77-6-23, or received too late to be incorporated in that order. By Order 77-6-23, the Board defined the scope of the Transcontinental Low-Fare Route Proceeding after applications, comments, and answers had been received from interested persons.[1] The principal rulings were: (1) that the only new service in issue would be passenger (and combination) service between New York/Newark and Washington/Baltimore, on the one hand, and San Francisco/Oakland/San Jose and Los Angeles/Ontario/Long Beach, on the other hand; (2) that the impact of granting any low-fare applications upon the standards and structure of the Domestic Passenger Fare Investigation (DPFI) should be explored, even though the DPFI would not itself be relitigated; (3) that the proceeding would not exclude applicants who did not propose low-fare service; and (4) that no procedural deadlines would be imposed though the case should be conducted as expeditiously as possible.

SUMMARY OF PETITIONS

Petitions for reconsideration of one or more of these determinations have been filed by World Airways; United Air Lines; Conner Air Lines; the Oakland Parties (the City, the Board of Port Commissioners and the Chamber of Commerce); the International Aircoach Association (IAA); and Amos E. Heacock d./b./a. Air Transport Associates (Heacock). A joint petition was filed by S. B. Craft and N.Y. Craft d./b./a. Standard Airways; Richard D. Neumann, et al., d./b./a. Air United States; U.S. Aircoach, Inc.; Transocean Air Lines; Heacock; Ralph W. E. Cox d./b./a. USOA (USOA); Virgin Island Air Services; and Blatz Airlines.[3] A separate joint petition was filed by Standard, Air United States, and USOA.[3]

World Airways. World contends that we should establish firm deadlines at the outset of this proceeding which would commit the Board to reach a final decision by July 1, 1978. In support, World argues that this case is exceedingly important and that its application has already been subjected to lengthy delays.

United Air Lines. United's petition is directed to the Statement of Issues prepared by the Staff and appended to Order 77-6-23. This document was attached to the order for convenience but was not endorsed by the Board. Therefore, United's objections should be addressed to the administrative law judge at the prehearing conference.

Conner Air Lines. Conner advocates the inclusion of Miami in the case. Conner notes that there is no "Super Saver" or other low-fare service between Miami and the West Coast and alleges that Miami's lack of access to this type of fare is discriminatory and contrary to the public interest.

[1] The proceeding was originally instituted by Order 77-1-94, January 14, 1977.
[2] These petitioners will be referred to as the "eight former aircoach operators."
[3] This group of petitioners will be referred to as the "three former aircoach operators."

Oakland Parties. Oakland believes that the airports in issue should be limited to those in World's application; that is, San Francisco International and San Jose should be excluded. Citing the Board's order in the *Chicago-Midway Low-Fare Route Proceeding*, Order 77–5–81, May 17, 1977, as presenting a comparable case, Oakland argues that this proceeding should also concentrate on the need for increased service at underutilized airports.

Eight Former Aircoach Operators. These parties object to the Board's refusal to consolidate in Docket 30356 their applications for exemptions to engage in supplemental air transportation.[4] They allege that they are seeking to regain operating rights of which they were unfairly deprived many years ago; that their inclusion will not add to the burden on any other parties; and that they want to operate low cost service "specifically in the form of scheduled passenger services which are at issue in this case."

Three Former Aircoach Operators. Unlike the "eight former aircoach operators," these three had filed applications for scheduled authority at low fares[5] which were consolidated to the extent that they conformed to the scope. They ask that the Board expand the scope to include all the points and markets comprehended by their applications, that intermediate points be included and that all-cargo service be in issue. They also claim that the procedures established in Order 77–6–23 are "improper" because they discriminate against applicants who are not now certificated air carriers.

Heacock. Heacock's petition is a far-ranging document containing numerous charges and arguments, some of which are pertinent to this case and some of which are not. Like the other former aircoach operators, Heacock seeks expansion of the scope to include many other markets, all-cargo service and the applications for supplemental authority. Heacock also argues that the existing certificated route carriers (American, Northwest, Pan American, TWA, and United) should not be permitted to prosecute applications proposing low-fare service because in the past they have used unfair means, including federal subsidy, to force bona fide low-fare carriers out of operation. Finally, Heacock contends that this proceeding is an appropriate forum in which to consider returning the operating rights of the former aircoach operators.

IAA. IAA seeks reconsideration of the Board's denial of its petition for leave to intervene. The denial was based on IAA's failure to identify its members or to comply with Part 263 of the Economic Regulations. IAA now claims that Part 263 is not applicable because its members are not air carriers within the meaning of that Part.[6]

[4] Dockets 30693, 30694, 30711, 30723, 30725, 30726, 30741 and 30821.

[5] Dockets 30510, 30511 and 30512.

[6] In its petition to intervene, IAA had characterized its members as "airline companies."

Other Pleadings

A variety of other pleadings, which were not treated in Order 77–6–23 for one reason or another, or were received too late to be included, have been filed.

Intervention. Petitions for leave to intervene were filed by the People of the State of California and the California Public Utilities Commission (CPUC), the Flying Tiger Line, the Consumer Federation of America, Consumers Union, and the Aviation Consumer Action Project (ACAP).

Amendments to Applications. Northwest (Docket 30517), Conner Docket 30712), and Heacock (Docket 30513) have filed amendments to their original applications, presumably to conform them with the scope of the proceeding.[7] Conner's and Heacock's amendments include points not within the scope of the case.[8]

New Applications. (a) The Philadelphia Parties have petitioned the Board to investigate service and fares in Philadelphia's transcontinental markets "to determine if they are competitive with the existing and proposed airline service and fares charged between * * * west coast markets and New York/Washington." Philadelphia's motion to consolidate this petition with Docket 30856 is opposed by TWA. (b) Trans International Airlines (TIA) applied for authority in all the markets in issue and moved to consolidate this petition with Docket 30856. As justification for this belated filing, TIA claims that it expected the Board to consolidate portions of its prior application in Docket 30509 for domestic charter fill-up authority; since the Board did not do so, TIA now wants to submit an application that does conform with the scope. (c) Three additional former aircoach operators, Paramount Airlines, Central Air Transport, and S.S.W., applied for exemption authority to engage in supplemental air transportation and moved for consolidation and expeditious treatment.[9] These pleadings were received too late to be considered in Order 77–6–23.

Motion. World Airways has filed a motion "for the immediate institution of hearing procedures and the convening of a prehearing conference." Answers in support were filed by the Oakland Parties and the United States Department of Justice. Subsequently, on September 16, 1977, World filed a motion for direct certification of the record. Answers in support were filed by the Oakland Parties, and Consumers Union and ACAP, jointly.

Decisions on Reconsideration

Transcontinental and *Chicago-Midway* are complementary cases presenting the same fundamental issues. Each involves applications for new and innovative low-price services, and each contains applications for initial entry into the certificated, scheduled system as it is now constituted. *Chicago-Midway* will focus on low-fare, short-haul, high frequency service potentially resulting in a significant shift of itercity travel from surface to air. *Transcontinental* will focus on the impact of similar services in long-haul markets, including the potential for inducing travel by a substantial number of persons who do not now fly. The public interest requires that the Board reach and decide the policy issues in these cases as promptly as possible. Therefore, we have decided to exclude consideration of *DPFI* issues and to retain the limitation on the markets in issue.

1. *Consideration of the DPFI.* As stated in Order 77–6–23, we have decided to pursue essentially the same course in this case that had been charted for the *Chicago-Midway Low-Fare Route Proceeding.*[10] This is because both cases raise the issue of the relationship between low-fare service proposals and the Board's domestic ratemaking standards and policies. In Order 77–6–23 we said that "we expect the parties to focus upon the effect of low-fare service on the rest of the certificated system, examining questions raised by matching fares, online fares, the effect on load factors, the possible domino effect in other markets, the potential for cross-subsidization of low-fare service by full-fare service, and so on." In our *Chicago-Midway* order on reconsideration, Order 77–8–10, August 2, 1977, we decided to delete these "*DPFI* issues," not because they are irrelevant, but because they will be examined in a separate, parallel, rulemaking proceeding.[11] We shall do the same here for the sake of expedition and to reduce the complexity of this route proceeding.[12] The economic feasibility and public benefits of the proposed low-fare services, as well as the effect that these services may have on traffic stimulation and diversion, will still be considered as matters bearing on the public convenience and necessity.

2. *Markets and Services in Issue.* The Board has been asked both to expand the case, by including many other cities and applications for all-cargo service, and to contract the case by including only Oakland of the three Bay Area airports. We have decided to maintain the scope set forth in Order 77–6–23.

The only new argument advanced by the Oakland Parties in support of their proposed restriction is that the Oakland Airport and Chicago's Midway Airport are similarly situated and should be treated alike. We reject the analogy. Midway is, for all intents and purposes,

[7] Northwest's and Conner's were accompanied by motions to consolidate. No motion was required from Heacock since leave to file had been granted in Order 77–6–23. Conner also filed a motion for leave to file its motion to consolidate, which is granted.

[8] Conner: Boston, Miami, Portland, and Seattle; Heacock: Chicago.

[9] These applications are identical to those of the "eight former aircoach operators." See Order 77–6–23, at 3 and 8.

[10] Order 77–5–81, May 17, 1977.

[11] This rulemaking has been instituted by PSDR–49 in Docket 31290.

[12] In *Trancontinental*, unlike *Chicago-Midway*, no party requested that the *DPFI* issues be removed. We are doing so on our own initiative for the reasons enumerated in the text.

vacant while the other Chicago airport is the world's busiest. The Board has a commitment and a Congressional mandate to seek to rectify that situation and the *Chicago-Midway* case is a proper forum in which to examine the options. Oakland may be underserved relative to San Francisco International, but it is far from deserted, and the congestion at San Francisco is not comparable to that at O'Hare. We, therefore, adhere to our original determination not to designate specific airports at this stage.

Limiting the number of markets to those proposed in the original application was difficult. The proponents of expansion argue that more communities should be in a position to receive the benefits of low-fare services and that a larger case, with more points and all-cargo service in issue, improves the opportunities of new entrants to secure awards. We have carefully considered these and other arguments but have decided that, on balance, the public interest requires us to maintain the restrictions on the scope.

First, as we observed in the *Chicago-Midway* order on reconsideration, there is a clear trade-off between the number of markets in issue and the amount of resources necessary to process a case in a limited period of time. We intend to move this case quickly, but we cannot commit so many of our experienced staff members to these cases that other matters will be long delayed. Second, once the fundamental issues are litigated in these two proceedings, low-fare applications involving passenger services in other markets, as well as all-cargo services, should be less complicated to process. Thus, speedy resolution of the threshold issues should have benefits extending beyond the confines of this case.

3. *Procedures.* As we have said, the *Transcontinental* case is complementary to *Chicago-Midway* and thus we intend to process it with expedition. The case is, however, different in one important respect with regard to our ability to do so. In this proceeding, as opposed to *Chicago-Midway*, there are more applicants for scheduled authority including several who currently operate only charter services and a number of others who do not operate any service at all.[12] As a result, the determination of fitness, willingness, and ability issues will be more difficult and time-consuming in this case. We do not disagree with World's assertion in its September 16 motion for direct certification of the record that equitable considerations weigh in favor of rapid resolution of this case.

On the other hand, we are reluctant to dispense with the administrative law judge's function at any time, but particularly when there are likely to be difficult questions of fitness. Dispensing with an initial decision would merely shift the burden of evaluating the evidence and the briefs from the judge to the General Counsel's staff at a considerable penalty in terms of time and effort and undue interference with other assignments. Equally important, the expertise of the administrative law judge would be sacrificed.[14] We believe that a schedule can and should be adopted which will enable the Board to deliver an opinion by early March 1979, less than 16 months from now. The details will, as usual, be left to the judge, but we expect full cooperation and a concerted effort by all parties.

4. *Consolidation.* Northwest's amended application and Heacock's amended application, except to the extent that it includes Chicago as an intermediate point, are consolidated into this proceeding. In addition, we are granting TIA's motion to consolidate its application in Docket 31047. We do not accept TIA's justification for failing to file before the initial deadline, but, on the other hand, consolidation at this time will not prejudice any other party or unduly delay the proceeding.[15]

The motions to consolidate filed by Conner and Philadelphia are denied. Conner's amended application presupposes that we would expand the proceeding to include Miami, but we have not. The amendment does not, therefore, conform with the scope of the proceeding. Philadelphia's petition raises issues under section 404 of the Act—namely, whether Philadelphia's transcontinental services and fares are "competitive" with New York's and Washington's. The Board has traditionally refused to fold section 404 issues into a route proceeding because they would unduly expand the case, increase the evidentiary burden on the parties, and divert attention from the primary section 401 issues.[16]

Finally, we turn to the motions of Paramount, Central, and S.S.W. to consolidate their applications for exemptions to engage in supplemental air transportation and the petitions of the "eight former aircoach operators" for reconsideration of our denial of their identical motions in Order 77-6-23. Of these eleven, only two, Standard Airways and Transocean, have tendered the filing fee required by Part 389 of our Regulations. On November 4 the Docket Section, under the Board's direction,[17] returned the applications of the other nine for nonpayment; therefore, their motions and petitions must be dismissed since the underlying applications which gave them standing to file motions and petitions are no longer docketed items.

Standard and Transocean used to be large irregular air carriers in the 1940's and 50's. They claim that they were unfairly deprived of their operating rights and driven out of business by the combined actions of the Board, the scheduled, certificated carriers and other persons and organizations. They now wish to regain federal licenses and see this proceeding as a proper forum because, they contend, the Board is here considering an application of another nonscheduled carrier, World Airways, for a new type of authority.

As with all applicants, we want to be fair with these two and afford them prompt consideration of their applications. In so doing, however, we cannot disregard established rules of administrative practice, which are designed to accommodate the rights of all parties and to facilitate the orderly discharge of the Board's statutory duties. The point of departure in ruling upon consolidation is whether, as a matter of law or practical effect, applications are mutually exclusive.[18] If they are not, the Board must then determine whether they "involve substantially the same parties, or issues which are the same or closely related" and whether "consolidation or contemporaneous hearing will be conducive to the proper dispatch of (the Board's) business and to the ends of justice and will not unduly delay the proceedings."[19] The two applications in question fail to meet these tests.

The issues which must be explored in *Transcontinental* are unrelated to those raised by the applications for supplemental exemption authority. The only common thread is the offer of lower fares, but this is insufficient in itself to justify contemporaneous hearing. This is not similar to the one recent case in which supplemental and route applications were heard together for convenience since in that case there were many common issues and the combined hearing resulted in a significant saving of time and resources.[20]

Finally, we find that consolidation of these applications would delay a proceeding which we wish to process rapidly. The benefits of affording the former aircoach operators an early review of their requests do not outweigh the detrimental effect of any further delay in *Transcontinental.*

---

[12] There is one nonoperating applicant and one large intrastate carrier applicant in *Chicago-Midway*. Here the applicants for first scheduled route authority include three supplemental carriers and five non-operating companies.

[14] See Order 77-10-63, October 13, 1977, in which we denied, on similar grounds, a motion by American Airlines for direct certification of the record in the *California-Toronto/Montreal Route Proceeding*, Docket 30782.

[15] TIA's application in Docket 30508 for authority to fill up international charter flights with individually-ticketed passengers is being dismissed as a housekeeping measure without prejudice. The companion application in Docket 30509 for domestic fill-up authority was dismissed by Order 77-6-23.

[16] See, *e.g.*, *Bridgeport Service Case*, Order 73-12-47, December 12, 1973; and *Wilmington Service Investigation*, Order 73-3-88, March 23, 1973.

[17] The Board issued its directions on October 27, 1977.

[18] *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945). See also *Delta Air Lines* v. *CAB*, 497 F. 2d 608 (D.C. Cir. 1973), cert. denied, 417 U.S. 930 (1974).

[19] Rule 12, CAB Rules of Practice, 14 C.F.R. § 302.12.

[20] *Transatlantic Route Proceeding*, Docket 25908. See Order 73-9-83, September 21, 1973.

5. *Intervention.* The petitions of the CPUC, The Flying Tiger Line, the Consumer Federation of American, Consumers Union and ACAP for leave to intervene are granted.

The petition for reconsideration of IAA is denied. IAA states that it was formed on October 8, 1976, by five presidents of former "supplemental" carriers, Richard D. Neumann of California Air Charter, Inc., Ralph W. E. Cox, Jr., of United States Overseas Airlines, Inc., Orvis Nelson of Transocean Air Lines, Inc., Amos Heacock of Air Transport Associates, Inc., and Shields B. Craft of Standard Airways. It appears that subsequently seven other presidents or owners of former nonscheduled air carriers joined the organization.[21]

IAA indicates that its members' interest in this proceeding stems from their proposal for legislation which (1) would restore their operating rights; or (2) would remove Board authority to control entry and exit into air transport, to control and regulate fares, and to grant antitrust exemptions; or (3) would eliminate the Board and transfer its useful functions to another agency. IAA contends that the enactment of any of the foregoing requests would have an immediate bearing on the certification of any applicant in this case. In addition, IAA claims there exists a question of the morality and integrity of the applicant, World Airways, and a question of whether World or any other supplemental air carriers possesses valid authority. Furthermore, IAA maintains that questions exist relating to possible bribery, extortion, and blackmail in the past.

The asserted interest of the members of IAA based on the possibility of legislative action is too remote to warrant granting it party status.[22] Moreover, questions concerning the certification and validity of the authority of current supplemental air carriers, and past actions by the Board and its staff are beyond the scope of this proceeding. The introduction of such questions into this case would unduly delay the proceeding and would conflict with our goal of expedition. To the extent the members of IAA question the fitness or any other aspect of the proposals of World or other applicants, their interest is adequately represented by four members who are parties to this case. Accordingly, we adhere to our decision to deny IAA leave to intervene.

Accordingly, it is ordered that:

1. Ordering paragraph 1 of Order 77–6–23 be amended to read as follows:

1. The *Transcontinental Low-Fare Route Proceeding*, Docket 30356, instituted by Order 77–1–94 and this order, shall be conducted pursuant to authority granted by the Federal Aviation Act of 1958, as amended, and particularly sections 204, 401, 408, 409, and 416;

2. The following applications and amendments to applications be consolidated with Docket 30356 to the extent that they conform to the scope of this proceeding as set forth in ordering paragraph 2 of Order 77–6–23:

Northwest Airlines, Inc., Amendment No. 1, Docket 30517, Amos E. Heacock d.b.a. Air Transport Associates, Amendment, Docket 30513, Trans International Airlines, Docket 31047;

to the extent not consolidated, the foregoing applications are dismissed;

3. The motions of the Philadelphia Parties and Conner Air Lines, Inc. for consolidation of their petition for an investigation and amended application in Docket 31097 and Docket 30712, respectively, be denied and the petition and amended application be dismissed;

4. The application of Trans International Airlines, Inc., Docket 30508, be dismissed;

5. The motions of Smith E. Spicher d.b.a. S.S.W., Inc., Docket 30869, Paramount Airlines, Inc., Docket 30893, and Central Air Transport, Inc., Docket 30894, for consolidation of those dockets with Docket 30356 be dismissed;

6. The motion of World Airways, Inc. for immediate institution of proceedings in Docket 30356 be dismissed;

7. The motion of World Airways, Inc. for direct certification of the record be denied;

8. The petitions of the State of California and the California Public Utilities Commission, The Flying Tiger Line, the Consumer Federation of America, Consumers Union and the Aviation Consumer Action Project for leave to intervene be granted;

9. The motion of Conner Air Lines, Inc. for leave to file an otherwise unauthorized document be granted;

10. The petitions of Amos E. Heacock d.b.a. Air Transport Associates, Docket 30725, Ralph W. E. Cox, Jr., d.b.a. USOA, Docket 30726, U.S. Aircoach, Inc., Docket 30711, Richard D. Neumann, et al., d.b.a. Air United States, Docket 30694, Blatz Airlines, Inc., Docket 30821, and Virgin Island Air Services, Inc., Docket 30741, for reconsideration of Order 77–6–23 be dismissed; and

11. To the extent that they are not granted in this order, all petitions for reconsideration, motions and requests in response to Order 77–6–23 be denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[23]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-33367 Filed 11-17-77;8:45 am]

[21] Smith M. Spicher of SSW, Inc., Edgar M. Stewart of Stewart Air Service, Fritz Hutcheson of U.S. Aircoach, T. Bodwell of Paramount Airlines, D. D. Duffy of Virgin Islands Air Service, Inc., Edna Sherman of California Hawaiian Airlines, and Ida Mae Herman of Great Lakes Airline.

[22] *Cf. Flying Tiger Transpacific Renewal Case*, Order 76–2–18, February 5, 1976.

[23] All Members concurred except Members Minetti and West who were not present.

[632–5–01]

CIVIL SERVICE COMMISSION

FEDERAL ENERGY ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Assistant Administrator for Industrial Programs, Office of Energy Conservation and Environment.

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

[FR Doc.77-33377 Filed 11-17-77;8:45 am]

[6325–01]

SMALL BUSINESS ADMINISTRATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Associate Administrator, Minority Small Business.

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

[FR Doc.77-33378 Filed 11-17-77;8:45 am]

[6325–01]

PRIVACY ACT OF 1974

New Routine Use

The purpose of this document is to give notice pursuant to 5 U.S.C. § 552a (e)(11) of the Privacy Act of 1974 to establish a new routine use of limited duration for disclosure of records from Commission systems of records. Any person interested in this new routine use may submit written comments to the Director, Bureau of Personnel Management Information Systems, U.S. Civil Service Commission, 1900 E Street N.W., Washington, D.C. 20415. To be considered, comments must be received on or before December 19, 1977. The last notice of Commission systems of records and their routine uses was published in 42 FR 48732 et seq. (September 23, 1977).

The proposed routine use is limited in scope to employees of a designated law firm while the firm is under contract to the Commission. Furthermore, disclosure must be sought for the purpose of investigating alleged violations of merit and Equal Employment Opportunity principles. For purposes of access, law firm employees are to be treated as if they were Commission "officers and employees." This is an important limita-

tion since it means, under the standard imposed by the Privacy Act for "officers and employees of the agency," that those seeking access must "have a need for the records in the performance of their duties." Just as Commission investigators or any other Commission employee would have to demonstrate a need for access to certain highly personal, sensitive records whereas access to others would be granted routinely, contractor employees will be held to the same standard. Finally, since access is pursuant to a routine use, an accounting of disclosure would be necessary as required by 5 U.S.C. § 552a(c).

Civil Service Commission systems of records as described in 42 FR 48732 et seq. are hereby amended to include the following routine use:

To employees of the law firm Rogovin, Stern and Huge of Washington, D.C. while under contract to the Civil Service Commission and for the purpose of conducting an investigation into certain alleged violations of merit and Equal Employment Opporunity principles in the same manner and subject to the same conditions as if they were officers and employees of the Civil Service Commission.

This routine use will become effective thirty days after the date of this notice (December 19, 1977).

JAMES C. SPRY,
Executive Assistant to the Commisioners.

[FR Doc.77-33469 Filed 11-17-77;9:30 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

CARNIVALE BAG CO., INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Carnivale Bag Company, Inc., 762 Wythe Avenue, Brooklyn, New York 11211, a producer of handbags, was accepted for filing on November 9, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-33323 Filed 11-17-77;8:45 am]

[3510-24]

A. JACOBS & SONS CO., INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by A. Jacobs & Sons Company, Inc., 162 Eastern Avenue, Lynn, Massachusetts 01902, a producer of athletic footwear for men, women and children, was accepted for filing on November 9, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-33322 Filed 11-17-77;8:45 am]

[3510-24]

REIDER SHOE MANUFACTURING CO., INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Reider Shoe Manufacturing Company, Inc., 145-55 West Main Street, Schuylkill Haven, Pa. 17972, a producer of footwear for men, women and children, was accepted for filing on November 10, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBORN, JR.,
Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-33324 Filed 11-17-77;8:45 am]

[3510-13]

National Bureau of Standards

STEEL CHAIN LINK GALVANIZED FENCE FABRIC

Commercial Standard Action on Proposed Withdrawal

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Commercial Standard CS 246-62, "Steel Chain Link Galvanized Fence Fabric."

This withdrawal action is being taken for the reason that CS 246-62 is adequately covered by the American Society for Testing and Materials' standard ASTM A392-74, "Zinc-Coated Steel Chain-Link Fence Fabric," and duplication is inappropriate and not in the public interest. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the Federal Register of September 30, 1977 (42 FR 52465) to withdraw this standard.

The effective date for the withdrawal of this standard will be January 17, 1977. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: November 14, 1977.

ERNEST AMBLER,
Acting Director.

[TR Doc.77-33306 Filed 11-17-77;8:45 am]

[1505-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 530]

ASSIGNMENT OF HEARINGS

NOVEMBER 15, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket

of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction[1]

No. MC 138157 Sub 38, Southwest Equipment Rental Inc., d.b.a. Southwest Motor Freight, now being assigned December 14, 1977 (1 day) at Philadelphia, Pa., in a hearing room to be later designated.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-33375 Filed 11-17-77;8:45 am]

[7035-01]

[No. 529]

ASSIGNMENT OF HEARINGS

NOVEMBER 15, 1977.

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 142359 (Sub-No. 2), Port East Transfer, Inc., now assigned November 29, 1977, at Washington, D.C. is cancelled and reassigned for November 29, 1977 (3 days) at Baltimore, Md. and will be held in the Maravia Holiday Inn, 6510 Frankford Ave.

MC 142797 (Sub-No. 1), Fulton Oregon Air, Inc., now being assigned December 5, 1977, at Salem, Oreg., 454 State Capitol Building.

MC 143120 (Sub-No. 2), Far West Transporters, Inc., now assigned November 30, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

MC 117686 (Sub-No. 167), Hirschach Motor Lines, Inc., now assigned December 1, 1977, at Omaha, Nebr., will be held in room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

MC-C 9522, *Texas Oklahoma Express, Inc.* v. *Caddo Express, Inc.* now assigned December 1, 1977 at Oklahoma City, Okla., will be held in the Alfred P. Murrah Federal Bldg., 200 North West Fifth Street.

MC-F-13153, McCarthy Truck Line, Inc.—Control—(B) East Nebraska Motor Freight, Inc. and (BB) Kruse Transportation Co., Inc., MC 121586 (Sub-No. 2), Kruse Transportation Co., Inc., MC 121540 (Sub-No. 4), East Nebraska Motor Freight, Inc. and MC-F-13168, McCarthy Truck Line—Control—Nebraska-Iowa-Missouri Express, Inc., now assigned December 5, 1977, at Lincoln, Nebr. will be held in room 543, Bankruptcy Court, Federal Building & Court House, 301 Centennial Mall South and December 8, 1977 (only) the hearing will be held in the Hearing Room, Nebraska Public Service Commission, 301 Centennial Mall South, Lincoln, Nebr.

[1] This notice corrects the correct hearing date December 14, 1977 instead of December 12, 1977.

MC 123475 (Sub-No. 7), Lightning Supply, Inc., now being assigned February 23, 1978 (2 days) at Chicago, Ill. in a hearing room to be later designated.

MC 139495 (Sub-No. 238), National Carriers, Inc., now being assigned February 22, 1978 (1 day) at Chicago, Ill. in a hearing room to be later designated.

MC 124511 (Sub-No. 33), John F. Oliver, now being assigned February 27, 1978 (1 week) at Chicago, Ill. in a hearing room to be later designated.

MC 116677 (Sub-No. 3), Sheridan Travel Bureau, Inc., now being assigned November 30, 1977 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138407 (Sub-No. 2), Lahmann International Corp., Common Carrier Application, now assigned November 29, 1977, at Cincinnati, Ohio will be held in room 552, Hamilton County Courthouse, Court and Main Street.

MC 133095 (Sub-No. 156), Texas-Continental Express, Inc., and MC 136786 (Sub-No. 115), Robco Transportation, Inc., now assigned December 6, 1977, at Omaha, Nebr., will be held in room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

MC 139876 (Sub-No. 4), A B C Transit Co., Inc., now assigned December 7, 1977 at Omaha, Nebr., will be held in room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

MC 140829 (Sub-No. 43), Cargo Contract Carrier Corp., now assigned December 8, 1977 at Omaha, Nebr., will be held in room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

MC 28060 (Sub-No. 34), Willers, Inc., d.b.a. Willers Truck Service, MC 107515 (Sub-No. 1069), Refrigerated Transport Co., Inc., and MC 140829 (Sub-No. 42), Cargo Contract Carrier Corp., now assigned December 12, 1977 at Omaha, Nebr., will be held in room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

MC 125951 (Sub-No. 21), Silvey Refrigerated Carriers, Inc., now assigned December 14, 1977 at Omaha, Nebr., will be held in room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

No. MC 128273 (Sub-No. 253), Midwestern Distribution, Inc., now being assigned February 7, 1978 (1 day), at Dallas, Tex. in a hearing room to be later designated.

No. MC 140033 (Sub-No. 26), Cox Refrigerated Express, Inc., now being assigned February 8, 1978 (3 days), at Dallas, Tex. in a hearing room to be later designated:

MC-F-13197, Jack C. Robinson, d.b.a. Robinson Freight Lines—Control—Cumberland Express, Inc. and MC-F-13236, Atlanta, *Motor Lines, Inc., et al.* v. *Cumberland Express, Inc., et al.*, now being assigned February 13, 1978 (1 week), at Dallas, Tex. in a hearing room to be later designated, and continued to March 13, 1978 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC 116915 (Sub-No. 30), Eck Miller Transportation Corp., now being assigned March 7, 1978 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC 118130 (Sub-No. 80), South Eastern Xpress, Inc., now being assigned March 8, 1978 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC 119777(Sub-No. 338), Ligon Specialized Hauler, Inc. and MC 120761 (Sub-No. 27), Newman Bros. Trucking Co., now being assigned March 9, 1978 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC 130382 Wl. (Bill) Deupree & Virginia Deupree Broker Application now assigned November 16, 1977 in San Francisco, Calif., is cancelled and application dismissed.

MC 119632 (Sub-No. 72), Reed Lines, Inc., now assigned December 6, 1977, at Chicago, Ill. will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street.

No. MC 720 (Sub-No. 32), Bird Trucking Co., Inc., now assigned December 7, 1977, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn St.

No. MC 113855 (Sub-No. 371), International Transport, Inc., now assigned December 8, 1977, at Chicago, Ill. will be held in room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn St.

No. MC 113908 (Sub-No. 396), Erickson Transport Corp., now assigned December 14, 1977, at Chicago, Ill. will be held in room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn St.

MC 57697 (Sub-No. 9), Lester Smith Trucking, Inc., now being assigned January 19, 1978 (1 day) at Denver, Colo. in a hearing room to be later designated.

MC 119789 (Sub-No. 354), Caravan Refrigerated Cargo, Inc., now assigned December 9, 1977, at Chicago, Ill., will be held in room 1614, Court of Claims, Everett McDirksen Building, 219 South Dearborn St.

MC 115311 (Sub-No. 224), J & M Transportation Co., Inc., being assigned March 6, 1978 (1 week) at Birmingham, Ala. in a hearing room to be later designated.

MC 121664 (Sub-No. 23) G. A. Hornady, Cecil M. Hornady and B. C. Hornady, d.b.a. Hornady Brothers Truck Line, now being assigned March 1, 1978 (3 days) at Birmingham, Ala. in a hearing room to be later designated.

MC 141410 (Sub-No. 4) Black Angus, Inc., now being assigned February 28, 1978 (1 day) at Birmingham, Ala. in a hearing room to be later designated.

MC-C 9725, *Woodline Motor Freight, Inc.* v. *Arkansas Best Freight Systems, Inc.* and MC-C 9726, *Woodline Motor Freight, Inc.* v. *Ryder Truck Lines, Inc.*, now assigned December 14, 1977 at Little Rock, Ark. and will be held in room 3412, Federal Office Building, 700 West Capitol Street.

MC 514 (Sub-No. 5), United Warehouse and Transfer, Inc., now assigned December 14, 1977 at Nashville, Tenn. and will be held in room 651, U.S. Court House, 801 Broadway.

MC 109891 (Sub-No. 31), Infinger Transportation Co., Inc., now assigned December 13, 1977 at Columbia, S.C. and will be held in Court Room No. 3, Columbia Municipal Court, 811 Washington Street.

MC 133937 (Sub-No. 10), Carolina Cartage Co., Inc., now assigned December 7, 1977 at Columbia, S.C. and will be held in Court Room No. 3, Columbia Municipal Court, 811 Washington Street.

MC 142807, Nicholas Marino and Angelina Marino, d.b.a. Farragut Travel Service, now assigned December 12, 1977 at Trenton, N.J. and will be held at the City Council Chamber, 2nd Floor, City Hall, 319 East State Street.

MC 114569 (Sub-No. 171), Shaffer Trucking Inc., now assigned January 19, 1978 at Denver, Colo. is cancelled, application dismissed.

No. MC 134022 (Sub-No. 25), Richard A. Zima, d.b.a. Zipco and MC 134022 (Sub-No. 26), Richard A. Zima, d.b.a. Zipco, now assigned December 12, 1977, at Chicago, Ill. postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-33376 Filed 11-17-77;8:45 am]

[7035-01]

FOURTH SECTION APPLICATION(S) FOR RELIEF

NOVEMBER 15, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by December 5, 1977.

FSA No. 43460—*Joint Rail-Water Container Rates—Baltic Shipping Company.* Filed by Baltic Shipping Company, (No. 106), for itself and interested rail carriers. Rates on general commodities, between railroad terminals at U.S. Pacific Coast ports, and ports in Continental Europe, United Kingdom, Black Sea, Scandinavia, Denmark and the U.S.S.R.

Grounds for relief—Water competition.

Tariffs—Baltic Shipping Company tariffs Eastbound No. 4, I.C.C. No. 4, F.M.C. No. 34, and Westbound No. 5, I.C.C. No. 5, F.M.C. No. 33. Rates are published to become effective on December 11, 1977.

FSA No. 43461—*Joint Water-Rail Container Rates—Far Eastern Shipping Company.* Filed by Far Eastern Shipping Company, (No. 11), for itself and interested rail carriers. Rates on general commodities, between rail carriers terminals on the U.S. Atlantic and Gulf Coast, and ports in Japan, Hong Kong, Australia, The Philippines, Singapore, Thailand and West Malaysia.

Grounds for relief—Water competition.

Tariffs—Far Eastern Shipping Company tariffs Westbound I.C.C. Nos. 4, 6, and 7, F.M.C. Nos. 16, 22, and 26, respectively, and Eastbound I.C.C. Nos. 3 and 5, F.M.C. Nos. 21 and 29, respectively. Rates are published to become effective on December 11, 1977.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-33373 Filed 11-17-77;8:45 am]

[7035-01]

[I.C.C. Order No. 36-A under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 36 (Grand Trunk Western Railroad Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 36 is vacated.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 10, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1977.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc.77-33374 Filed 11-17-77;8:45 am]

[7035-01]

[Notice No. 255]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77405. By application filed November 14, 1977, BETTERWAY SERVICE COMPANY, 200 East 18th Street, Benton, Ky. 42025, seeks temporary authority to transfer the operating rights of Custom Motor Freight Co., 150 East Broad St., Columbus, Ohio 43215, under section 210a(b). The transfer to Betterway Service Company, of the operating rights of Custom Motor Freight Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-33372 Filed 11-17-77;8:45 am]

[7035-01]

[Notice No. 149TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 15, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 105TA), filed October 28, 1977. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Furfural,* in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Omaha, Nebr., for 180 days. Supporting shipper(s): Rosemary D. Sanborn Distribution Specialist, Quaker Oats Company, P.O. Box 3514, Chicago, Ill. 60654. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 27817 (Sub-No. 137TA), filed October 26, 1977. Applicant: H. C. GABLER, INC., P.O. Box 220, RD No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Fornt St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* from the plant site of the Bruce Foods Corporation at or near Wilson, N.C., to points in the states of Massachusetts, New Jersey, New York and Pennsylvania, restricted to traffic originating at said origin and destined to said destination for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, La. 70760. Fresco Sales & Marketing, Inc., 2014 Grand Avenue, Baldwin, N.Y. 11510. Send protests to: C. F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, Pa. 17108.

No. MC 35628 (Sub-No. 39TA), filed October 28, 1977. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, SW., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell, 134 Grandville Avenue, SW., Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from the warehouse facilities of Mead Johnson

& Company at or near Mount Vernon, Ind., as an off-route point in connection with applicant's currently authorized operations, for 180 days. Applicant intends to tack authority to another authority held by it. Supporting shipper(s): Mead Johnson & Company, Evansville, Ind. 47721. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 46280 (Sub-No. 81TA), filed October 28, 1977. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street, SE., Grand Rapids, Mich. 49507. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica*, density less then ten (10) pounds per cubic foot, in bags or boxes, from Tuscola, Ill., to Adrian, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cabot Corporation, Boston, Mass. 02110. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 51146 (Sub-No. 536TA), filed October 28, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Green Bay and Chippewa Falls, Wis., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Packerland Packaging Co., Lime Kiln Road, Green Bay, Wis. 54302 (Thomas McClone). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 538TA), filed October 28, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded cellular foam rubber*, from Baltimore, Md., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William T. Burnett & Co., Inc., 1500 Bush Street, Baltimore, Md. 21230 (Leslie H. Sigman). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 52704 (Sub-No. 157 TA), filed October 28, 1977. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", Opelika Highway, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre pulpboard partitions*, from the plantsite of Sonoco Products Co., at or near Marietta, Ga., to points in Florida, Louisiana, Mississippi, Oklahoma, Arkansas, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sonoco Products Co., Hartsville, S.C. 29550. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 78228 (Sub-No. 70TA), filed October 26, 1977. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., Wick, Vuono, & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products*, from Kittanning, Pa., to Dearborn, Detroit (Ecorse) and Melvindale, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Drexel Refractories, Inc., P.O. Box 50, Kittanning, Pa. 16201. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 95876 (Sub-No. 217TA), filed October 27, 1977. Applicant. ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe*, from Youngstown, Ohio; Darlington, Aliquippa, and Ellwood City, Pa., and Dafter, Mich., to Superior, Wis., and its commercial zone, for subsequent movement by rail, for 180 days. Supporting shipper(s): Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 100449 (Sub-No. 76TA), filed October 28, 1977. Applicant: MALLINGER TRUCK LINES, INC., Rural Route 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority ought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa and Bonner Springs, Kans., to Houston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kold Storage, Inc., P.O. Box 1181, Fort Dodge, Iowa 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 102567 (Sub-No. 203TA), filed October 27, 1977. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric (muriatic) acid*, in bulk, in tank vehicles, from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arkla Chemical Corp., P.O. Box 751, Little Rock, Ark. 72203. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107002 (Sub-No. 519TA), filed October 26, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the facilities of River Cement Co. at or near Memphis, Tenn., to points in Alabama, Arkansas, Illinois, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shipper(s): River Cement Co., P.O. Box 14545, St. Louis, Mo. 63178. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 1043TA), filed October 27, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia*, in bulk, in tank vehicles, from Hammond, La., to El Dorado and Crossett, Ark., and Cleveland and Natchez, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bower Ammonia & Chemical Co., 302 Billups Drive, Hammond, La. 70401. Send protests to: Monica A. Blodgett, Transportation Consumer Specialist, Interstate Commerce Commis-

sion, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 1115TA), filed October 28, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Skippack, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quaker Oats Co., P.O. Box 3514, Chicago, Ill. 60654. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 109692 (Sub-No. 48TA), filed October 28, 1977. Applicant: GRAIN BELT TRANSPORTATION CO., 340 N. James Street, Kansas City, Mo. 66118. Applicant's representative: Warren H. Sapp, 4420 Madison, Suite 230, Kansas City, Mo. 64111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building, and insulating materials*, from the plantsite of CertainTeed Corp. at or near Kansas City, Mo., to points in the States of Illinois, Indiana, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): CertainTeed Corp., P.O. Box 860, Shelter Materials Group, Valley Forge, Pa. 19482. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110988 (Sub-No. 351TA), filed October 27, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Giltedge Building, Appleton, Wis. 54911. Applicant's representative: Paul C. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Bristol, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota Mississippi, Missouri, and Texas, for 180 days. Supporting shipper(s): Chemco, Inc., 19235 84th Street, Bristol, Wis. 53104 (Merle L. Gardiner). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 113434 (Sub-No. 87TA), filed October 28, 1977. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, P.O. Box 511, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor and cartons therefor*, when moving in mixed shipments with glass containers, from Winchester, Ind., to points in the Lower Peninsula of Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Anchor Hocking Corporation, Lancaster, Ohio 43130. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 113666 (Sub-No. 119TA), filed October 25, 1977. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated modular panels*, from Frankfort, Ind., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and (2) *laminated plastic sheets*, from Sunset-Whitney Ranch, Calif., to Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Formica Corporation, 10155 Reading Road, Cincinnati, Ohio 45241. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 115092 (Sub-No. 65TA), filed October 27, 1977. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, lumber products and wood products* (except commodities in bulk), from points in Lane, Douglas, Coos, Jackson, Josephine and Klamath Counties, Oreg., to points in Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia-Pacific Corporation, 900 S.W. Fifth Avenue, Portland, Oreg. 97204. (John R. Tuttle, Transportation Analyst-Motor.) Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commision, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 115904 (Sub-No. 83TA), filed October 27, 1977. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes or sheets, corrugated or not corrugated*, KDF, from the plantsite of Boise Cascade Corporation at or near Nampa, Idaho, to Clark (near Fernley), Nev. and Reno, Nev., and points in the commercial zones thereof, for 180 days. Applicant does not intend to tack or interline with other carriers. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 W. Fort Street, Box 07, Boise, Idaho 83724.

No. MC 116254 (Sub-No. 194TA), filed October 28, 1977. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Clorence, Ala. 35630. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Herbicides*, other than in bulk, from the plantsite of Fallek-Lankro Corp., Fox, Ala., at or near Holt, Ala., to points in the United States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala. 35401. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616—2121 Bldg., Birmingham, Ala. 35203.

No. MC 117765 (Sub-No. 236TA), filed October 25, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th Street, P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan, 5315 NW 5th Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and roofing materials*, in containers, from Wynnewood, Okla., to Arkansas, Louisiana and Texas, for 180 days. Supporting shipper(s): Kerr-McGee Corporation, Kerr-McGee Center, P.O. Box 25861, Oklahoma City, Okla. 73125. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 118142 (Sub-No. 160TA), filed October 21, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxed smoke meat*, from the plant site of Dold Foods, Inc., Wichita, Kans., to Safeway Stores, Inc., Butte, Mont., restricted to traffic originating at the above-named origin, and destined to the above destination point, for 180 days. Supporting shipper(s): Dold Foods, Inc., 2929 Ohio, Wichita, Kans. 67204. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 118142 (Sub-No. 162TA), filed October 28, 1977. Applicant: M. BRUEN-

GER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods*, from Cleveland and Solon, Ohio, to Oklahoma City, Okla., Memphis, Tenn., Dallas, Houston and San Antonio, Tex., restricted from the plantsite of Stouffer Food Corp., at or near Solon, Ohio, and the warehouse facilities utilized by Stouffer Food Corp., at or near Cleveland, Ohio, to the destined points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Stouffer Foods Corp., 5750 Harper, Cleveland, Ohio 44139. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 123407 (Sub-No. 412TA), filed October 26, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (except in bulk), from the facilities of Fibreboard Corporation at or near Grambling, La., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fibreboard Corporation, Patrick W. Pollock, Director Transportation & Distribution, 55 Francisco Street, San Francisco, Calif. 94133. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 123407 (Sub-No. 413TA), filed October 26, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (except in bulk), from the facilities of Fibreboard Corporation at or near Fruita, Colo., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fibreboard Corporation, Patrick W. Pollock, Director Transportation & Distribution, 55 Francisco Street, San Francisco, Calif. 94133. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 124170 (Sub-No. 74TA), filed October 27, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory reagents and/or culture media*, from Cockeysville, Md., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Biq Quest, P.O. Box 243, Cockeysville, Md. 21030. Paul A. Wichrowski, Traffic Manager. Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 124554 (Sub-No. 17TA), filed October 28, 1977. Applicant: LANG CARTAGE CORP., 338 South 17th Street, P.O. Box 2055, Milwaukee, Wis. 53201. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* used or distributed by a manufacturer of household products, from LaCrosse, Wis., to dealers of Fuller Brush Co., in Wisconsin and Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steel, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., under a continuing contract, or contracts, with Fuller Brush Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fuller Brush Co., P.O. Box 927, Great Bend, Kans. 67530 (Bruce M. Brown). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124887 (Sub-No. 41TA), filed October 21, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete*, from the plant site of Exposiac Industries, Inc., at Peachtree City, Ga., to points in Georgia, Florida, Alabama, North Carolina, South Carolina, Mississippi, Louisiana, Kentucky, and Tennessee, for 180 days. Supporting shipper(s): Exposiac Industries, Inc., P.O. Box 2005, 300 Dividend Drive, Peachtree City, Ga. 30269. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 125952 (Sub-No. 27TA), filed October 27, 1977. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango SW., P.O. Box 99307, Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cake and cookies*, from Oakland, Calif., to Denver, Greeley, Sterling, Pueblo, Fort Collins, Grand Junction, and Colorado Springs, Colo., under a continuing contract, or contracts, with Mother's Cake and Cookie Co., for 180 days. Supporting shipper(s): Mother's Cake and Cookie Co., 810 81st Avenue, Oakland, Calif. 94621. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 135874 (Sub-No. 93TA), filed October 21, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., South St. Paul, Minn. 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street South, South St. Paul, Minn. 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from Kansas City, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Pennsylvania, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Centropolis Warehouse, 8201 E. 23rd Street, Kansas City, Mo. 64129. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 135889 (Sub-No. 8TA), filed October 25, 1977. Applicant: BOYD TANK LINES, INC., 6600 Sandy Spring Road, Laurel, Md. 20810. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Architectural stone*, in bulk, in dump trailers, from Lakehurst, N.J., to White Oak, Md., under a continuing contract, or contracts, with Contee Sand & Gravel Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Contee Sand & Gravel Co., Inc., P.O. Box 1000, Laurel, Md. 20810. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, D.C. 20423.

No. MC 136343 (Sub-No. 121TA), filed October 20, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corru-*

gated containers, knocked down, from Harrisonburg, Va., to Shelbyville and Wilmington, Del., Blackwood, Carlstadt, Clifton, Elkton, Flemington, Hackensack, Haddon Heights, Moonachie, and Rahway, N.J., New York, N.Y., points in Pennsylvania on and east of U.S. Highway Route 219, for 180 days. Supporting shipper(s): Packaging Corp. of America, 1603 Orrington Ave., Evanston, Ill. 60204. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, Pa. 17108.

No. MC 136385 (Sub-No. 7TA), filed October 28, 1977. Applicant: HALL WAY, INC., 517 S. W. State Street, Ankeny, Iowa 50021. Applicant's representative: Ernest S. Hall, 517 S. W. State Street, Ankeny, Iowa 50021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities of Swift Fresh Meats Co. at or near Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift Fresh Meats Co., a Division of Swift & Co., 115 W. Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 138882 (Sub-No. 24TA), filed October 28, 1977. Applicant: WILEY SANDERS, INC., P.O. Box 621, Henderson Road, Troy, Ala. 36081. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compound, and accessories thereto*, from the plant site of Logan-Long Roofing Products, Inc., located at or near Tuscaloosa, Ala., to points in Florida, Georgia and Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Logan-Long Roofing Products, Inc., P.O. Box 2450, Tuscaloosa, Ala. 35401. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 140267 (Sub-No. 6TA), filed October 28, 1977. Applicant: R. A. TRANSPORTATION, INC., 115 Jacobus Avenue, S. Kearny, N.J. 07032. Applicant's representative: S. M. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheat flour, grain flour, flour prepared, flour edible, and Donut Sugar Topping* (except in bulk), from the Pillsbury Company plant located at Martel, Ohio (Marion County), to Baltimore, Md., Washington, D.C.; West Carteret, N.J.; East Orange, N.J.; and Bay Shore, La., N.Y., under a continuing contract, or contracts, with The Pillsbury Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Pillsbury Company, 608 Second Avenue, South Minneapolis, Minn. 55402. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 140581 (Sub-No. 12TA), filed October 28, 1977. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222–A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, from New York, N.Y., and its commercial zone, and Philadelphia, Pa., and its commercial zone to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Charlie Dennison, Inc., 10740 Forest Lane, Dallas, Tex. 75231. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 141362 (Sub-No. 9TA), filed October 28, 1977. Applicant: ESCONDIDI TRUCK & EQUIPMENT, 1020 Linda Vista Drive, San Marcos, Calif. 92069. Applicant's representative: William J. Monheim, 15924 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed supplements*, dry, in bulk, from Pima County, Ariz., to Imperial County, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southwestern Commodities General Manager, P.O. Box 1281, Indio, Calif. 92201. Send protests to: Edward P. Henry, District Supervisor, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141402 (Sub-No. 10TA), filed October 28, 1977. Applicant: LINCOLN FREIGHT LINES, INC., State Highway Route 32, P.O. Box 322, Lapel, Ind. 46051. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass jars, bottles and containers*, for the account of Brockway Glass Company, Inc., from Lapel, Ind., to the facilities of Perfect Packed Products Company at Henderson, N.C., under a continuing contract, or contracts, with Brockway Glass Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brockway Glass Company, Inc., Lapel, Ind. 46051. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 142508 (Sub-No. 10TA), filed October 27, 1977. Applicant: NATIONAL TRANSPORTATION, INC., 14031 "L" Street, P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Lanny N. Fauss, 14031 "L" Street, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged meats*, from Searcy, Ark., to Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Land O'Frost, Inc., Daniel Perry, Traffic Manager, 16850 Chicago Ave., Lansing, Ill. 60438. Send protests to: Carroll Russel, District Supervisor Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 142733 (Sub-No. 2TA), filed October 26, 1977. Applicant: UNITED TRANSPORT, INC., 7225 NW. 8th Street, Miami, Fla. 33136. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantains*, from points in Florida to points and places in New York, New Jersey, Illinois and Calif.; from Maryland to points and places in New York, New Jersey, Illinois and California, and from New York to points and places in New Jersey, Illinois and Calif., under a continuing contract, or contracts, with Caribe Produce, for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Caribe Produce, 1147 NW. 22nd Street, Miami, Fla. 33127. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 NW 53rd Terrace, Miami, Fla. 33166.

No. MC 143163 (Sub-No. 5TA), filed October 21, 1977. Applicant: RICHARDSON TRUCKING INC., 330 East 8th Street, P.O. Box 967, Greeley, Colo. 80631. Applicant's representative: Winston A. Hollard, 5900 W. Colfax Avenue, Suite 20, P.O. Box 14066, Denver, Colo. 80214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, inedible meat and meat by-products* (except hides and commodities in bulk, in tank vehicles), used as, or in the manufacture of animal feed and feed ingre-

dients, from Greeley, Colo., to Davenport, Iowa, and their commercial zones, under a continuing contract, or contracts, with J. R. Nylen, Ltd., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. R. Nylen, Ltd., P.O. Box 1314, Sioux City, Iowa. 51102. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143503 (Sub-No. 5TA), filed October 31, 1977. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, California 93031. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings*, and *accessories*, between the facilities of John F. Lawhon Furniture Company at or near Harahan, La., on the one hand, and, on the other, points in Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Marion, Newton, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, and Wilkinson Counties, Miss.; and Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Caldwell, Cameron, Catahoula, Concordia, East Baton Rouge, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Livingston, Madison, Natchitoches, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana, and Winn Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John F. Lawhon Furniture Company, 1004 S. Clearview Parkway, Harahan, La. 70123. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143576 (Sub-No. 1TA), filed October 26, 1977. Applicant: DONALD ORR & SONS, Route 37 South, Box 233, West Frankfort, Ill. 62896. Applicant's representative: D. Michael Riva, 115 E. Main Street, West Frankfort, Ill. 62896. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from West Frankfort, Ill., to Cape Girardeau, Sikeston and New Madrid, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jay Smothers President, U.S. Energy Inc., P.O. Box 24, Marion, Ill. 62959. Archie Bob Henderson President, Southern Illinois Mining Co., P.O. Box 295, Marion, Ill. 62959. Ron Tucker President, American Carbon Corp., P.O. Box 577, Marion, Ill. 62959. Roger Tippy Project Manager, Energy Salvage Co., P.O. Box 335, West Frankfort, Ill 62896. Send protests to: District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No MC 143682 (Sub-No. 1TA), filed October 28, 1977. Applicant: BIG "H" ENTERPRISE, LTD., Route 2, Hwy 58, Ewing, Va. 24248. Applicant's representative: Joseph E. Wolfe, 24 Main Street, Jonesville, Va. 24263. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, gravel and sand*, from Ewing, Va., to Middlesboro and Hazard, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mountain Enterprises, Inc., Middlesboro, Ky. 40965. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke Va. 24011.

PASSENGER APPLICATION

No. MC 143142 (Sub-No. 2TA), filed October 25, 1977. Applicant: GARFIELD & SARGENT, INC., P.O. Box 1, Airline Road, South Dennis, Mass. 02660. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special and charter operations, in round trip pleasure and sightseeing tours, beginning and ending at points in Barnstable County, Mass., and extending to points in the United States (including Alaska, but excluding Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (31) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, R.I. 02903.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-33370 Filed 11-17-77;8:45 am]

[7035-01]

[Notice No. 150TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 15, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 11133. 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 protests must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13123 (Sub-No. 97TA), filed October 18, 1977. Applicant: WILSON FREIGHT COMPANY, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate 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), serving the facilities of Mead Johnson & Company at or near Mt. Vernon, Ind., as an off-route point in connection with carrier's otherwise authorized regular route operations, for 180 days. Said authority to serve Evansville, Ind., will be tacked with all other authority held by applicant. Applicant will interline with other carriers at any point applicant is otherwise authorized to serve. Supporting shipper(s): Michael A. Ehrmann, Traffic Manager, Mead Johnson & Company, 2404 Pennsylvania, Evansville, Ind. 47721. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 32882 (Sub-No. 87TA), filed October 28, 1977. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., Portland, Oregon 97217.

Applicant's representative: Edward R. Rawle, Director of Commerce (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Animal feed and feed ingredients (except commodities in bulk tank equipment)*, from Los Angeles, County, California, on the one hand, and, on the other, Salem, Medford, Portland, Milwaukie, Eugene, Grants Pass, Clackamas, Bend, Coos Bay, Klamath Falls, The Dallas, Beaverton, Corvallis, Springfield, McMinnville, Pendleton, Mt. Angel, LaGrande, Baker, Ontario, Burns, John Day, Oregon; Tacoma, Seattle, Bellevue, Kent, Bremerton, Puyallup, Olympia, Bellingham, Mt. Vernon, Everett, Ellensburg, Yakima, Wenatchee, Pasco, Richland, Walla Walla, Spokane, Moses Lake, Chehalis, Centralia, Renton, Aberdeen, Hoquim, Vancouver, Clarkston, Colfax, Pullman, Kennewick, Euphrata and Republic, Washington and the Ports of Entry between the United States and Canada located in Washington, for 180 days. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th St., Vernon, Calif. 90058. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 48221 (Sub-No. 12TA), filed October 25, 1977. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, Nebr. 68107. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lyons, Nebr., to points in Colorado and California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Premier Boneless Meats, Charles A. Lytle, Vice President, General Manager, Lyons, Nebr. 68038. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 53965 (Sub-No. 135TA), filed October 27, 1977. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Great Bend, Kans., to points in Alabama, Georgia, Mississippi, and Tennessee. Restriction: Restricted to traffic originating at the above-named origin points and destined to the above-named destination points, for 180 days. Supporting shipper: Thies Packing Co., Inc., P.O. Box 49, Great Bend, Kans. 67530. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 S.E. Quincy, Topeka, Kans. 66683.

No. MC 89723 (Sub-No. 70TA), filed October 25, 1977. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th Street, room 912, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as applicant). Authority sought to operate 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 Commisison, commodities in bulk, and those which require the use of special equipment, in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. and, subject to all present restrictions in Certificate No. MC 89723, as an off-route point in connection with applicant's presently authorized regular route operations using (a) Farm Road 791 from Campbellton to plantsite access road, thence via plantsite access road to San Miguel Power Plant site; (b) Farm Road 140 from Campbellton to plantsite access road, thence via plantsite access road to San Miguel Power Plant site; (c) from junction U.S. Highway 281 and Texas Highway 97 at Pleasanton, Tex., over Texas Highway 97 to its junction with Texas Highway 16, thence over Texas Highway 16 to plantsite access road, thence via plantsite access road to San Miguel Power Plant site; and (d) from junction U.S. Highway 281 and Texas Highway 97 at Pleasanton, Tex., over Texas Highway 97 to its junction with Texas Highway 16, thence over Texas Highway 16 to its junction with Farm Road 140, thence over Farm Road 140 to plantsite access road, thence via plantsite access road to San Miguel Power Plant site; and return over the same routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Jervis B. Webb Co., P.O. Box 427, Pleasanton, Tex. 78064. Babcock & Wilcox Co., 20 South Van Buren Avenue, Barberton, Ohio 44203. Send protests to: District Supervisor, J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 94265 (Sub-No. 253TA), filed October 19, 1977. Applicant: BONNEY MOTOR EXPRESS, INC., Route 460, P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Olin C. Cooper, Jr., Route 460, P.O. Box 305, Windsor, Va. 23487. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chicago, Ill., and its commercial zone to points in Virginia, West Virginia, Maryland, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are (12) twelve letter of support to this application, which may be examined at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-[illegible] 2 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 107002 (Sub-No. 518TA), filed October 26, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from the facilities of Citadel Cement Corp. at or near Demopolis, Ala., to points in Florida, Louisiana, Mississippi, and Tennessee, for 180 days. Supporting shipper(s): Citadel Cement Corp., 2700 Cumberland Parkway, Suite 550, Atlanta, Ga. 30339. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107515 (Sub-No. 1104TA), filed October 20, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Oscar Mayer & Co., Inc., at or near Perry, Iowa, and storage facilities utilized by Oscar Mayer & Co., at Des Moines, Iowa, to Goodlettsville, Tenn., for 180 days. Supporting shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, Wis. 53707. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 107906 (Sub-No. 36TA), filed October 20, 1977. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Fort Wayne, Ind. 46801. Applicant's representative: Carl L. Steiner, Axelrod, Goodman, Steiner & Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *com-*

mon 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), serving the facilities of Mead Johnson & Co., at or near Mt. Vernon, Ind., as an off-route point in connection with applicant's authorized regular-route operations, for 180 days. Supporting shipper(s): Mead Johnson & Co., 2404 Pennsylvania, Evansville, Ind. 47721. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 109533 (Sub-No. 98TA), filed October 26, 1977. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, Va. 23224. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond, Va. 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic granules or flakes*, in bulk, between Celco, Va., and Celriver, S.C., on the one hand, and, on the other, Kingsport, Tenn., for 180 days. Supporting shipper(s): Celanese Corp., Michael J. Santora, Manager of Domestic Traffic, 1211 Avenue of Americas, New York, N.Y. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 110683 (Sub-No. 124TA), filed October 26, 1977. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Thomas N. Willess, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate 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 commodities requiring special equipment), serving the plantsite and warehouse facilities of Mead Johnson & Co. located at or near Mount Vernon, Ind., as an off-route point in connection with existing authority to serve Evansville, Ind., for 180 days. Applicant intends to tack the authority herein applied for to another authority held by it. Supporting shipper(s): Mead Johnson & Co., Evansville, Ind. 47721. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 114211 (Sub-No. 324TA), filed October 25, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard St., Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment and lawn and leisure product manufacturers and dealers (except commodities in bulk) Between Laredo, Tex., on the one hand, and, on the other, the facilities owned, or operated by Deere & Company in Black Hawk, Dubuque, Polk, Scott and Wapello Counties, Iowa; Rock Island County, Ill. and Dodge County, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Deere & Co., 909 3rd Avenue, Moline, Ill. 61265. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 114896 (Sub-No. 58TA), filed October 13, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals, precious metal items, gold, silver and plating salt*, moving in armored vehicles under armed guard: Between Freeport, N.Y. on the one hand, and, on the other, Allentown, Harrisburg and Warren, Pa.; Lincoln and Providence, R.I.; and points in Connecticut and Massachusetts, for 90 days. A corresponding application for Emergency Temporary Authority has been filed. Supporting shipper: Lea Ronal, 272 Buffalo Ave., Freeport, N.Y. Send protests to Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115841 (Sub-No. 568TA), filed October 25, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Dr., Suite 110, Knoxville, Tenn. 37919. Applicant's representative: Elizabeth A. Purcell, 666 11th Street, NW., No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite and storage facilities of Selig Manufacturing Company, Inc., in Chatham County, N.C., to points in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Selig Manufacturing Company, Inc., P.O. Box 469, Siler City, N.C. 27344. Send protests to: Joe J. Tate District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 117589 (Sub-No. 43TA) (Partial correction), filed September 16, 1977, published in the FEDERAL REGISTER issue of October 4, 1977, and republished as corrected this issue. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801-7th Avenue South, P.O. Box 24507, Seattle, Wash. 98108. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104.

NOTE.—The purpose of this partial correction is to indicate where to send protests to; Send Protests to: Lawrence D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174. The rest of the publication remains the same.

No. MC 119789 (Sub-No. 381TA), filed October 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Clinton, N.C., to Weatherford, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kennedy Sausage Company, P.O. Box 598, Weatherford, Tex. 76086. Send protests to: Opal M. Jones Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 121525 (Sub-No. 6TA) (Partial correction), filed September 16, 1977, published in the FEDERAL REGISTER issue of October 4, 1977, and republished as corrected this issue. Applicant: SNIDER TRUCKING SERVICE, INC., 110 E. 5th, Ritzville, Wash. 99169. Applicant's representative: Jeffrey D. Snider, Ritzville, Wash. 99169.

NOTE.—The purpose of this partial correction is to indicate where to send protests to; Send protests to: Lawrence D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174. The rest of the publication remains the same.

No. MC 124078 (Sub-No. 754TA), filed October 21, 1977. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Nashville, Tenn., to points in Dubois, Gibson, Pike, Posey, Spencer, Vanderburgh and Warrick Counties, Ind. for 180 days. Supporting Shipper: Tri-State Oil Company, Inc., 2714 North Red Bank Rd., Evansville, Ind. 47712 (Gene Flowers). Send protests to: Mrs. Gail A. Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 756TA), filed October 25, 1977. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Appli-

cant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Universal, Pa., to Salem, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United States Steel Corporation, 600 Grant St., Pittsburgh, Pa. 15230. (William J. Hahne). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124117 (Sub-No. 24TA), filed October 25, 1977. Applicant: Earl Freeman, d.b.a. MID–TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper, scrap cardboard, and similar paper scrap*, from points in Tenn.; (except Fayetteville, Lebanon, Mt. Pleasant, Nashville, Pulaski, Shelbyville and Sparta, Tenn.), to Alton, Ill., and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alton Box Board Company, 401 Alton St., Alton, Ill. 62002. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 126305 (Sub-No. 36), filed October 28, 1977. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Plywood and composition board*, from the plant and warehouse facilities utilized by the Day Companies, Inc., in Randolph County, Ga. to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado and New Mexico, for 180 days. Supprting shipper: Day Companies, Inc., P.O. Box 429, Cuthbrt, Ga. 31740. Snd protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 128133 (Sub-No. 17TA), filed October 25, 1977. Applicant: H. H. OMPS, INC., Route 7, Box 295, Winchester, Va. 22601. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pebble lime*, from the plant site of Chemstone near Strasburg, Va., to Bayard, W. Va., Piscataway, Potomac and Baltimore, Md., and Spring Grove, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. S. Frey Co., P.O. Box 65, Clear Brook, Va. 22624. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, D.C. 20423.

No. MC 134755 (Sub-No. 117TA), filed October 25, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles, from the plant and warehouse facilities of Kraft, Inc. at Springfield, Missouri, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, South Carolina, North Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at the above-named origin and destined to the above-named destination states for 180 days. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protest to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 135152 (Sub-No. 22TA), filed October 19, 1977. Applicant: CASKET DISTRIBUTORS, INC., P.O. Box 327, Harrison, Ind. 45030. Applicant's representative: J. D. Campbell, Harrison Brookville Rd., West Harrison, Ind. 45030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles*, from Oklahoma City, Okla., to points in the states of Illinois, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, New York, Maryland, Delaware, Missouri, Nebraska, Iowa, Wisconsin, Minnesota, Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alprod Corporation, 1530 West Main, Oklahoma City, Okla. 73106. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC. 135553 (Sub-No. 10TA), filed October 20, 1977. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, Va. 22485. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber, rovings, yarn, fabric or strand, mats or matting and glass fiber waste and materials and supplies* used in the distribution of the aforementioned commodities, between West Shelby and South Lexington, N.C., on the one hand, and, on the other, points in Texas, Arizona, New Mexico, California, Oregon, Washington, Montana, Idaho, Utah, Nevada, Colorado and Wyoming, under a continuing contract, or contracts, with PPG Industries, Inc., for 180 days. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. P. K. Meehan, Manager of Traffic Services. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10–502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 139850 (Sub-No. 12TA), filed October 21, 1977. Applicant: FOUR STAR TRANSPORTATION, INC., Box 66, Underwood, Iowa 51576. Applicant's representative: Leonard D. Wilkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A & 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 plantsite and storage facilities of Swift Fresh Meats Co., at or near Grand Island, Nebr.; Glenwood and Des Moines, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift Fresh Meats Company, a Division of Swift & Company, G. Dwight Weed, Area Transportation Manager, 115 W. Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139858 (Sub-No. 16TA), filed October 27, 1977. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Ave., Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Paper*, from Louisiana, Maryland, Michigan, New York, and Ohio to Philadelphia, Pennsylvania. Restriction: The operations authorized above are subject to the following conditions: Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Edward Stern Majestic Press, a subsidiary of American Standard Inc., of New Brunswick, N.J. for 180 days. Supporting shipper: James P. Nelligan, General Traffic Manager, American Standard Inc., P.O. Box 2003, New Brunswick, N.J. 08903. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate

Commerce Commission, 5514–B Federal Building, 550 Main St., Cincinnati, Ohio 45202.

No. MC–139973 (Sub-No. 34TA), filed October 28, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods* (except commodities in bulk), from the plantsite and warehouse facilities of Banquet Foods Corp. at or near Carrollton, Macon, Marshall, and Moberly, Mo. to points in Connecticut, Delaware, Maine, Maryland, Masachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above-named origins and destined to the above-named destinations. Supporting shipper: Banquet Foods Corporation, 100 N. Broadway, St. Louis, Mo. 63102. Send protest to: Vernon Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 140033 (Sub-No. 34TA), filed October 21, 1977. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: D. Paul Stafford, Winkle and Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (unfrozen), from the plantsites of Joan of Arc Company at Hoopeston and Princeville, Ill., and Mayville, Wis., to points in the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joan of Arc Company, Inc., 2231 West Altorfer Dr., Peoria, Ill. 61614. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 141033 (Sub-No. 31TA), filed October 20, 1977. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall, P.O. Box 1257, City of Industry, Calif. 91749, R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn tools, garden tools, striking tools and snow tools*, from Parkersburg, W. Va., to points in Texas, Louisiana, Arkansas, Oklahoma, New Mexico, Arizona, California, Nevada, Utah, Oregon, Idaho and Washington, restricted to the transportation of traffic originating at the plantsites and facilities of Ames Co., Division of McDonough Company of Parkersburg, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. F. Arnold, Ames Co., Division of McDonough Company, P.O. Box 1774, Parkersburg, W. Va. 26101. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142284 (Sub-No. 2TA), filed October 25, 1977. Applicant: AIR COURIERS INTERNATIONAL, INC., 2150 East Thomas Rd., Phoenix, Ariz. 85016. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers*, used in and useful for the conduct of insurance business, between the offices and facilities of The Home Insurance Company, New York, N.Y., and the offices and facilities of The Home Insurance Company, Manchester, N.H., Restriction: Service authorized herein is restricted to transportation pursuant to a continuing contract, or contracts, with The Home Insurance Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Home Insurance Company, 59 Maiden Lane, New York, N.Y. 10038. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue., Phoenix, Ariz. 85025.

No. MC 143610 (Sub-No. 2TA), filed October 17, 1977. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 95301. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs* from Mayville, Wis.; Hoopeston and Princeville, Ill.; and their respective commercial zones, to points in the states of Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington and Wyoming, under a continuing contract, or contracts, with Joan of Arc Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joan of Arc Company, 2231 West Altorfer Dr., Peoria, Ill. 61614. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Ave., Phoenix, Ariz. 85025.

No. MC 143678 (Sub-No. 1TA), filed October 18, 1977. Applicant: PAUL NICKLAUS, d/b/a, NICK'S TRUCKING, 1805 Lloyd Street, Spt. No. 1B, Bellevue, Nebr. 68005. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from the facilities of Wilson Concrete Company at or near LaPlatte and Bellevue, Nebr., to points in Iowa, for 180 days. Supporting shipper(s): Wilson Concrete Company, Harold Myers Truck Foreman, 102 Ft. Crook Rd., Bellevue, Nebr. 68005. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 143868TA, filed October 19, 1977. Applicant: RETENO CARRIERS, INC., 2011 North Tyler, Suite H, South El Monte, Calif. 91733. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coil steel*, in vehicles equipped with mechanical refrigeration, and bar steel, for the account of Windsor Machine Company, Ltd., from Farrell, Pa.; Youngstown, Ohio.; Indianapolis, Ind.; and Chicago, Ill., to the port of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash., restricted to traffic having a subsequent movement in foreign commerce to Burnaby and Victoria, British Columbia, Canada, under a continuing contract, or contracts, with Windsor Machine Company, Limited, for 180 days, Supporting shipper(s): Windsor Machine Company, Limited, 2965 Lake City Way, Burnaby, B.C., Canada. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143869TA, filed October 18, 1977. Applicant: DOUGLAS EXPRESS, INC., 420 Wilder Terrace, Marietta, Ga. 30064. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), having an immediate prior or an immediate subsequent movement by air, between the William B. Hartsfield Atlanta International Airport, at or near Atlanta, Ga., on the one hand, and points in Barrow, Clarke, DeKalb, Fulton, Gwinnett, Clayton, Walton, Jackson, and Hall Counties, Ga., on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (27) statements of

support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree Street, NW., Room 300, Atlanta, Ga. 30309.

No. MC 143872TA, filed October 20, 1977. Applicant: GARY R. COWAND ENTERPRISES, INC., d/b/a AIRPORT PICK-UP & DELIVERY SERVICE, Norfolk International Airport, Norfolk, Va. 23518. Applicant's representative: Michael A. Inman, Suite 211, Pembroke IV Building, Virginia Beach, Va. 23642. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having an immediately prior or immediately subsequent movement by aircraft (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 Norfolk, Va., on the one hand, and, on the other, Suffolk and Franklin, Va., and points in Surry, Isle of Wight, Sussex and Southampton Counties, Va., and points located in Hertford, and Gates Counties, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are (9) nine statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 143888TA, filed October 21, 1977. Applicant: ROBERT MARKS, 213 Dewey Avenue, Cambridge, Ohio 43725. Applicant's representative: John L. Alden, Stiverson and Alden, P.O. Box 5241, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic auto parts*, from Byesville, Ohio, to Keokuk, Iowa, and returned containers, pallets, platforms, or skids, from Keokuk, Iowa, to Byesville, Ohio, under a continuing contract, or contracts, with Meridian Plastics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Meridian Plastics, Inc., 110 North 8th Street, Byesville, Ohio 45723. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 143890TA, filed October 26, 1977. Applicant: C. H. EURE TRUCKING, INC., Route 1, Box 363, Hobbsville, N.C. 27946. Applicant's representative: C. H. Eure, Route 1, Box 363, Hobbsville, N.C. 27946. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber (rough or dressed), fence and fence materials, wood residuals and excelsior*, from Chowan County, N.C., to points in Virginia, and Washington, D.C., and from points in Washington, D.C., and Va., to points in N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Bloedell Building Materials, Atlantic Forest Products Division, 6540 Powers Ferry Road, Atlanta, Ga. 30339. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission.

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

[FR Doc.77-33371 Filed 11-17-77;8:45 am]

[7035-01]

[No. 36655]

H. J. BAKER & BROS., INC.

Petition for Declaratory Order; Statute of Limitations for Charges on U.S. Canadian Traffic

AGENCY: Interstate Commerce Commission.

ACTION: Interpretive order.

SUMMARY: H. J. Baker & Bros., Inc., filed a petition to determine whether the two-year statute of limitations, 49 U.S.C. 16(3)(b) or the three-year statute of limitations, 49 U.S.C. 16(3)(c) governs the settlement of claims resulting from the publication of a 14 percent railroad freight rates increase on traffic to and from Canadian origins rather than the 12 percent increase authorized by the Commission in Ex Parte No. 267, Increased Freight Rates, 1970 and 1971, 339 I.C.C. 125 (1971), as subsequently interpreted and clarified by the Commission's orders entered on August 19, 1971, August 6, 1973, and October 5, 1973. The three-year statute of limitations governs the settlement of such claims.

FOR FURTHER INFORMATION CONTACT:

Deputy Director Rosenak or Assistant Deputy Director Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The Canadian National Railway Company, Canadian Pacific Limited, and 32 Eastern Railroads published tariffs in excess of Commission authorized increases in Ex Parte No. 267, with regard to rates on export-import traffic moving by all-rail or water-rail between points in Canada and Eastern Territory of the United States. In *Canadian National Railway Co. v. United States*, 425 F. Supp. 290 (D.D.C. 1976), affirmed, 45 U.S.L.W. 3690 (1977), the United States District Court for the District of Columbia ordered the railroads to cease and desist from charging rates on export-import traffic in excess of those authorized; to correct their tariffs accordingly; and held that shippers and/or receivers were entitled to judgment on their counterclaims as a matter of law.

The Commission on January 24, 1977, issued a notice in the Federal Register (FR Doc. 77-2891) entitled "U.S./Canada Railroad Freight Rates, Request for Special Docket Applications and Complaints." The notice specifically stated:

> In view of the order of the Court shippers and/or receivers of import or export traffic moving between points in Canada, on the one hand, and points in the United States on the other, should request rail carriers subject to the jurisdiction of the Interstate Commerce Commission to file special docket applications with this Commission seeking reparation or in the alternative shippers and/or receivers should file informal complaints—such complaints should conform with the Commission's General Rules of Practice—with the Commission's Bureau of Traffic, Section of Rates and Informal Cases, for the purpose of tolling the Statute set forth in Section 16(3) of the Interstate Commerce Act.

Insofar as the Federal Register notice issued on January 24, 1977, refers to reparations, an inference could be made that a two-year statute of limitations applies. An interpretive order has been issued, clarifying the notice, to the effect, that the 3-year statute of limitations is applicable. In view of the interpretive order, it is unnecessary to issue a declaratory order and the petition is, therefore, denied. The interpretive order is attached in the appendix herein.

By the Commission, Division 2, Commissioners Murphy, Clapp, and Christian.

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

Interpretive Order

H. J. Baker & Bros., Inc., on August 10, 1977, filed a petition for a declaratory order to determine whether the 2-year statute of limitations, 49 U.S.C. 16(3)(b)[1] or the 3-year statute of limitations, 49 U.S.C. 16(3)(c)[2] governs the settlement of claims resulting from the publication of a 14 percent railroad freight rates increase on traffic to and from Canadian origins rather than the

---

[1] Section 16(3)(b) states: All complaints against carriers subject to this part for the recovery of damages not based on overcharges shall be filed with the Commission within two years from the time the cause of action accrues * * *.

[2] Section 16(3)(c) states: For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers subject to this part within three years from the time the cause of action accrues * * *.

In addition, section 16(3)(g), 49 U.S.C. 16(3)(g), states: The term "overcharges" as used in this section shall be deemed to mean charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the Commission.

12 percent increase authorized by the Commission in Ex Parte No. 267, *Increased Freight Rates, 1970 and 1971*, 339 I.C.C. 125 (1971), as subsequently interpreted and clarified by the Commission's orders entered on August 19, 1971, August 6, 1973, and October 5, 1973.

The Canadian National Railway Company, Canadian Pacific Limited, and 32 Eastern Railroads published tariffs in excess of Commission authorized increases in Ex Parte No. 267, with regard to rates on export-import traffic moving by all-rail or water-rail between points in Canada and Eastern Territory of the United States. In *Canadian National Railway Co.* v. *United States*, 425 F. Supp. 290 (D.D.C. 1976), affirmed, 45 U.S.L.W. 3690 (1977), the United States District Court for the District of Columbia ordered the railroads to cease and desist from charging rates on export-import traffic in excess of those authorized; to correct their tariffs accordingly; and held that shippers and/or receivers were entitled to judgment on their counterclaims as a matter of law.

The Commisson on January 24, 1977, issued a notice in the FEDERAL REGISTER (FR Doc. 77-2891) entitled "U.S./Canada Railroad Freight Rates, Request for Special Docket Applications and Complaints." The notice specifically stated:

> In view of the order of the Court shippers and/or receivers of import or export traffic moving between points in Canada, on the one hand, and points in the United States on the other, should request rail carriers subject to the jurisdiction of the Interstate Commerce Commission to file special docket applications with this Commission seeking reparation or in the alternative shippers and/or receivers should file informal complaints—such complaints should conform with the Commission's General Rules of Practice—with the Commission's Bureau of Traffic, Section of Rates and Informal Cases, for the purpose of tolling the Statute set forth in Section 16(3) of the Interstate Commerce Act.

Petitioner points out that insofar as the FEDERAL REGISTER Notice issued on January 24, 1977, refers to reparations, an inference could be made that a two year statute of limitations applies. Petitioner thus seeks a declaratory order, clarifying the applicable statute of limitations; it believes the three-year statute of limitations applies.

The 3-year statute of limitations applies. The 14 percent increases assessed by the railroad carriers were in violation of the Commission's Ex Parte No. 267 orders, which authorized only 12 percent increases on the traffic at issue. The United States District Court for the District of Columbia has upheld the Commission's orders, stating that the railroads' actions in publishing increases greater than 12 percent were in violation of the Ex Parte No. 267 orders. Therefore, the railroads acted unlawfully in publishing rates greater than authorized and the tariffs containing such rates were not lawfully filed. The mere fact of tariff filing does not make the tariff lawful. *Chicago, Milwaukee, St. Paul and Pacific Railway Co.* v. *Alouette Peat Products*, 253 F. 2d 449, 456 (9th Cir. 1957). Since the railroads tariffs were not lawfully filed, "overcharges" resulted and the three-year statute of limitations in section 16(3)(c) of the Interstate Commerce Act controls.

Since this order is interpretive and issued for clarification, it is exempt from the Administrative Procedure Act's notice and hearing requirements pursuant to 5 U.S.C. 553(b)(A). *Pan American Petroleum Corp.* v. *Federal Power Commission*, 322 F. 2d 999 (D.C. Cir. 1963).

In view of our above comments, a declaratory order is unnecessary.

It is ordered: To the extent the defendant railroads have increased their rates on export-import traffic moving by al-rail or water-rail between points in Canada and Eastern Territory of the United States in excess of the 12 percent increases authorized under Ex Parte No. 267, they have overcharged shippers and the 3-year statute of limitations contained in section 16(3)(c) of the Interstate Commerce Act controls.

The petition for declaratory order is denied.

Decided: November 8, 1977.

By the Commission, Division 2, Commissioners Murphy, Clapp and Christian.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-33369 Filed 11-17-77;8:45 am]

[7035-01]

NORFOLK AND WESTERN RAILWAY CO. AND BALTIMORE AND OHIO RAILROAD CO.

Joint Application

Norfolk and Western Railway Co. (NW), 8 North Jefferson Street, Roanoke, Va. 24042 represented by John S. Shannon, Vice President-Law, Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042 and the Baltimore and Ohio Railroad Co. (B&O), Two North Charles Street, Baltimore, Md. 21201 represented by Roland W. Donnem, Vice President-Law, the Chesapeake and Ohio Railway Co., the Baltimore and Ohio Railroad Co., Chessie System, Inc., P.O. Box 6419, Cleveland, Ohio 44101, hereby give notice that on the 21st day of October, 1977, they filed with the Interstate Commerce Commission at Washington, D.C., a joint application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing acquisition of joint control of the Detroit, Toledo and Ironton Railroad Co. (DT&I) by NW and B&O, which application is assigned Finance Docket No. 28499 (Sub-No. 1).

Approval of the application will permit NW and B&O to purchase one half each of the stock of DT&I owned by Pennsylvania Company (Penn Co), amounting to substantially all of the stock of DT&I. The purchase price, to be paid in equal parts by NW and B&O, is $23,625,000. B&O's parent, The Chesapeake and Ohio Railway Co. and C&O's parent, Chessie System, Inc. are not parties to the transaction but join in the application because of their relation to B&O. No changes are proposed in DT&I's present rail operations and facilities as a result of the transaction.

DT&I is a Class I carrier providing rail freight service. It operates between Detroit, Mich., through Delta, Lima, and Maitland, Ohio, to Springfield, Ohio (about 200 route miles), continuing to Cincinnati, Ohio, via trackage rights (about 85 route miles from a point south of Springfield), and to Ironton, Ohio (about 157 route miles from Springfield including a portion on trackage rights). Other DT&I lines extend from Flat Rock to Dearborn, Mich. (about 15 route miles), from Diann, Mich., to Toledo, Ohio, via trackage rights (about 20 route miles), and from Malinta, Ohio, to Tecumseh, Mich. (about 55 route miles). In addition, DT&I has operating rights over and alternate route to Cincinnati from Maitland, Ohio, and a short track in Ottawa, Ohio.

The countries through which DT&I's principal owned lines run include, in Michigan, Wayne, Monroe and Lenawee; and in Ohio, Fulton, Henry, Putnam, Allen, Auglaize, Shelby, Logan, Champaign, Clark, Madison, Fayette, Ross, Pike, Jackson, Scioto, and Lawrence.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28499 (Sub-No. 1), and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

Any person interested in filing (1) an inconsistent application or (2) a petition for inclusion should file a notice of its intention to file same no later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. An original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Any traffic studies and data submitted shall relate to the year May 1, 1976, to April 30, 1977, in accordance with the requirements of the Commission's August 15, 1977, order in this proceeding. Similarly, any parties filing information contained in Table A and Table B required in Exhibit A-13 (Section 1111.2 (b) of the Commission's procedures) shall furnish it for the period May 1, 1976, to April 30, 1977, in accordance with the Commission's order served October 11, 1977, in this proceeding. Any written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why aproval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but

who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-33507 Filed 11-17-77;8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1978 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: November 18, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On August 12, 1977 and September 30, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 40965) and (42 FR 52467) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1978:

Class 8465: Necklace, Personnel, Identification Tag (SH) 8465-00-261-6629.
Military Resale Items and Numbers: No. 500 Room Air Freshners; No. 501 Toilet Bowl Deodorizers.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-33330 Filed 11-17-77;8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1978 commodities to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 21, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1978, November 14, 1977 (42 FR 59015):

Class None: Strap, Mail Tray, Postal Service Item No. 01067.
Class 5826: Circuit Card Assembly, 5826-00-237-9949 CW.
Class 7230: Curtain, Shower, 7230-00-849-9838, 7230-00-849-9839.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-33331 Filed 11-17-77;8:45 am]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

TRANSFER OF ENVIRONMENTAL IMPACT STATEMENT RECEIPT AND FILING FROM CEQ TO EPA

OCTOBER 28, 1977.

The receipt and filing of Environmental Impact Statements (EISs) will be transferred from the Council on Environmental Quality (CEQ) to the Environmental Protection Agency (EPA) next month, under the President's reorganization plan for the Executive Office of the President (Reorganization Plan No. 1 of 1977, July 15, 1977). Effective Monday, December 5, 1977, federal agencies should no longer send EISs to CEQ. Instead agencies should deliver five (5) copies of all draft, final or supplemental EISs filed pursuant to Section 102(2)(C) of the National Environmental Policy Act directly to, Environmental Protection Agency, Room 537, West Tower, 401 M Street, SW., Washington, D.C. 20460.

Mailed copies should be sent to Mail Code A-104 at the same address.

Beginning on December 16, 1977, EPA will publish the regular weekly Federal Register notices indicating receipt of EISs and the relevant comment periods. EPA will also publish the 102 Monitor beginning in January.

CEQ will continue in NEPA oversight and policy guidance to agencies. However, general information and specific questions from agencies and the public about technical compliance with environmental impact statement requirements and CEQ Guidelines should be directed to EPA after December 2.

Please inform all regional and branch offices of these changes. Any questions should be directed to Sally Mallison at CEQ 202-633-7077 or Thomas Sheckells at EPA, 202-755-0790.

CHARLES WARREN,
Chairman.

[FR Doc.77-33432 Filed 11-17-77;8:45 am]

[3125-01]

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

The following is a list of environmental impact statements received by the Council on Environmental Quality from Nov. 7 through Nov. 11, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 2, 1978.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Gasquet-Orleans Road, Chimney Rock Section, California, November 10: Proposed is the construction of the Chimney Rock Section of the Gasquet-Orleans Road (Forest Road No. 15N01), Six Rivers National Forest, California. The project area is located in Del Norte County 17 miles east of the community of Klamath. The project, a double-lane, paved road with a 25-mile-per-hour design speed to link an existing Summit Valley and Dillon-Flint Sections of the Gasquet-Orleans Road, will be from 5.9 to 9.5 miles long, depending on the alternative selected. The objective of the proposed project is to complete the primary National Forest transportation system for all Six Rivers National Forest lands north of Highway 96. (ELR Order No. 71382.)

Final

Big Sur Coastal Unit Plan, Los Padres National Forest, Monterey County, Calif., November 10: Proposed is the selection of a

land use plan for the management of the western portion of the Monterey Ranger District, Los Padres National Forest. The proposed plan recommends that maintenance of the unique visual qualities of the area be emphasized. Strong recreational emphasis, particularly for dispersed types of recreation, is given. There are also provisions in the plan for sustaining or increasing wildlife and botanical populations. This plan is intended to guide the development and land use of only National Forest System lands lying within the Unit boundaries. Comments made by: USDA, COE, PC 2, EPA, State and local agencies, and concerned interest groups. (ELR order No. 71378.)

Holly Springs and Tombigbee National Forest Timber Plan, Mississippi, several Counties, November 7: The proposed action is the implementation of a new 10-year Timber Management Plan for Holly Springs and Tombigbee National Forests, effective October 1, 1977. The plan calls for even-aged forest management for that part of the forests which is suitable for sustained yield timber production and not reserved for some other use. Adverse environmental effects include a temporary decrease in the quality of forest scenery from timber cutting, other silvicultural treatments and road construction; soil erosion and increases in stream turbidity; and shifts in wildlife populations. Comments made by: ERDA, COE, USDA, HEW, DOI, EPA, State and local agencies, and concerned interest groups. (ELR order No. 71361.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230. 202-337-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Bradley & McMinn Co. Water & Sewage Facilities, Bradley and McMinn Counties, Tenn., November 11: Proposed is the awarding of grant funds to the Hiwassee Utilities Commission, Bradley and McMinn Counties, Tenn., for the purpose of developing a regional water treatment system to service the two county area. The project consists of the necessary facilities to process and treat approximately 7.5 mgd of water from the Hiwassee River. The primary effects from construction include noise, dust emission, erosion, and siltation, and construction traffic. (ELR order No. 71385.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Atlantic Mackerel Fishery, Fishery Management Plan, November 9: Proposed is a Fishery Management Plan for the Atlantic mackerel prepared by the Mid-Atlantic Fishery Management Council in consultation with the New England and South Atlantic Fishery Management Councils in accordance with Pub. L. 94-265. The objectives of the plan include: maintenance of spawning stock size above the point where optimum sustained yield of the fishery is assured direction of the commercial fishery to maximize yield per recruit; and achivement of efficient allocation of capital and labor in the mackerel fishery. No adverse effects are anticipated. (ELR order No. 71376.)

Squid Fishery of the Northwest Atlantic, Fishery Management Plan, November 9: Proposed is a Fishery Management Plan for the Squid fishery of the Northwestern Atlantic Ocean prepared by the Mid-Atlantic Fishery Management Council in consultation with the New England and South Atlantic Fishery Management Councils in accordance with Pub. L. 94-265. The objectives of the plan are to: prevent destructive exploitation of squid species; minimize capture of nontarget species; and minimize user conflict. It is recommended that the 1978 Optimum Yield for Illex be set at 30,000 metric tons and the 1978 Optimum Yield for Loligo be set at 44,000 metric tons. (ELR order No. 71377.)

Michigan CZM Program, Michigan, November 10: Proposed is the approval by the Secretary of Commerce of the Coastal Management Program application of Michigan pursuant to Pub. L. 92-583. Approval would permit implementation of the proposed program administration grants to be awarded to the State, and would require that Federal actions be consistent with the program. Approval and implementation would restrict or prohibit certain land and water uses in parts of the Michigan coast, while promoting and encouraging development and use activities in other parts. (ELR order No. 71380.)

DEPARTMENT OF DEFENSE

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

ARMY CORPS

Draft

St. Johns County Beach Erosion Control, St. Johns County, Fla., November 9: Proposed is the placement of an estimated 1,000,000 cubic yards of initial fill along 2.5 miles of eroded beach in St. Johns County, Fla. The fill section would have a 60-foot berm at elevation 12 feet, m.k.w. with seaward slopes of 1 on 30 to mean low water thence 1 on 40 existing bottom. Material for initial fill would come from maintenance dredging of the navigation channel and from a shoal adjacent to the navigation channel. Adverse effects include the loss of benthic organisms. (Jacksonville District.) (ELR order No. 71374.)

Pohoiki Bay Navigation Improvements Project, Hawaii, November 11: Proposed is a Federal and State planned and funded project to provide navigational protection for the launching and recovery of commercial fishing boats at the Pohoiki Launch Ramp, Island of Hawaii, Hawaii. Three alternatives are proposed: (1) a breakwater, (2) a breakwater with a relocated ramp, and (3) a breakwater with an entrance channel. Adverse effects include the destruction of 8,000 to 24,000 square feet of marine habitat due to breakwater construction, construction-related pollution, and the degradation of inner bay waters. Plan No. 3 would also modify the water chemistry and affect marine biota. (Honolulu District.) (ELR order No. 71389.)

Final

Fiscal year 1978, 1979, Navigational Season Extension Demonstration, November 11: This EIS discusses the demonstration of various methods needed to extend the fiscal year 1978 and 1979 Navigation Season. (It is not in itself an EIS for the extension of the winter navigation season.) Thirty-five methods and associated proposed studies are evaluated. Potential adverse impacts to water quality could result from accidental spills of oil and other toxic cargoes. (Detroit District.) Comments made by: USDA, DOT, ERDA, FPC, DOC, EPA, DOI, State and local agencies. (ELR Order No. 71388.)

Port Lions Harbor Project, Alaska, November 7: Proposed is a plan of development for the Port Lions Harbor, Alaska. The recommended plan consists of two armored rubblemound breakwaters 650 and 500 feet long respectively. The project is designed to provide a protected anchorage basin for resident and transient commercial fishing vessels. Adverse effects include direct loss of marine habitat, and possible low-level chronic pollution of the harbor from accidental or intentional spillage or from disposal of human refuse and waste lubricants. (Alaska District.) (35 pages.) Comments made by: USDA, DOC, EPA, HUD, DOI, DOT, FPC, and State agencies. (ELR Order No. 71365.)

Roseau River Flood Control, Roseau and Kittson Counties, Minn., November 7: The project would include modification of the existing Roseau River channel, construction of channel cutoffs, and installation of related works along the river between the city of Roseau and the Canadian border in northwestern Minnesota. The project would result in a decrease in bank stability which could result in some localized sloughing or erosion of the channel slope. Habitat alterations will cause a decrease in wildlife. (St. Paul District.) Comments made by: EPA, USDA, DOI, DOT, FPC, AHP, State and local agencies. (ELR Order No. 71359.)

Packer R. Terminal, Barge Terminal Expansion, Dakota County, Minn., November 11: The proposed action is expansion of an existing barge terminal in South St. Paul, Minnesota, by the Packer Diver Terminal Inc. (Packer). Packer plans to fill approximately 22 acres of wetlands to increase the capacity of their terminal to store and handle an estimated additional 635,000 tons of commodities per year. The primary impact would result from loss of the wetlands, which presently serve the functions of water quality, food chain production, general habitat, nesting and rearing habitat, and flood storage. Also, the habitat value of adjacent wetlands would be reduced. Comments made by: EPA, USDA, DOI, DOT and State and local agencies, one concerned group. (ELR Order No. 71386.)

Arcadia Lake, Deep Fork River (2), Oklahoma, November 8: Proposed is the construction of a multipurpose lake on the Deep Fork River, 1½ miles west of Arcadia, Oklahoma, and 6 miles east of Edmond. The lake will provide 27,570 acre-feet for conservation storage and 64,430 acre-feet for flood control storage, and after 100 years, 62,510 acre-feet. Water-oriented recreation facilities are also planned. Adverse effects include the acquisition of 6,500 acres in fee which include 3,300 acres in agricultural lands and 3,200 acres of rural homesite lands. Comments made by: EPA, DOT, FPC, DOI and State and local agencies. (ELR Order No. 71373.)

Supplement

GIWW Dredge, Channel to Rockport (S-2), Texas, November 8: This statement supplements a final EIS filed with CEQ in January 1976. The proposed action is periodic maintenance dredging of the Channel to Rockport, Tex. which is a tributary channel to the Gulf Intracoastal Waterway (GIWW.) The project is a shallow-draft channel and turning basin in Aransas Bay adjacent to Rockport. The project includes a channel 9 feet deep by 200 feet wide from the main channel of the GIWW to the city of Rockport. The project also includes a turning basin near Rockport 9 feet deep by 1,255 feet long. (Galveston District.) (ELR Order No. 71370.)

Final

Lower Snake River Fish and Wildlife Compensation, Washington, Idaho, November 2: The statement concerns a report proposing compensatory measures to offset the fish and wildlife losses due to construction on the Lower Snake River. The report recommends the construction of hatcheries, the acquisition of streambank access on tributaries for fishing, and acquisition of easements for hunters. A total cost estimate is $47,972,319.

Construction of hatcheries will result in disturbance of the landscape. Comments made by: DOI, EPA, USDA, DOT, DOC, HEW, FPC and State and local agencies. (ELR Order No. 71345.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Peter Cook, Acting Director, Office of Federal Activities, Environmental Protection Agency, Room 537, West Tower A–104, Washington, D.C. 20460.

Final

York River Wastewater Facility, York County, Va., November 7: Proposed is the construction of a 15 mgd sewage treatment plant on the York-James Peninsula, immediately west of Seaford, Virginia. The project, to be constructed for the Hampton Roads Sanitary District, will include treatment processes such as degritting, primary and secondary clarification, and single-step activated sludge aeration. Effluent from the facility will be chlorinated dechlorinated, and discharged to the York River through a cooling water discharge of a nearby Virginia Electric Power Company electric generating station. Adverse effects include increased nutrient loading of the York River, reduction of stream flow, and loss of habitat. (Region III.) Comments made by: DOC, EPA, DOD, USDA, HEW, DOT, DOI, AHP and State and local agencies, concerned groups and individuals. (ELR Order No. 71358.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405. 202–566–0405.

Draft

D.C. Post Office Building Improvement, District of Columbia, November 11: The General Services Administration proposes to improve and restore the Old Post Office Building located at 12th and Pennsylvania Ave., NW., Washington, D.C. The proposed plan covers the demolition and removal of modifications to the architectural feaures of the building, the removal of outdated or inefficient service systems, both electrical and mechanical, and the subsequent upgrading of life safety systems to comply with Federal and applicable building codes. Adverse impacts are those associated with the actual construction. (ELR Order No. 71387.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202–755–6308.

Draft

The Knolls, Illinois, DuPage County, Ill., November 11: Proposed is the provision of HUD mortgage insurance for a 49 28-acre development in Willowbrook, Illinois. The proposed development contains 1,200 multifamily apartment units built in four phases. Adverse effects of development include increased traffice and dependence on the automobile, and depletion of ground water resources. (ELR Order No. 71390.)

Westbury Development, Oklahoma City, Canadian County, Okla., November 7: The proposed action is for the Department of HUD to accept part of the undeveloped areas of the Westbury Development in Oklahoma City for HUD-FHA home mortgage insurance purposes. The remaining area will be used for commercial and recreational purposes. The impact of Westbury will be the urbanization of about 1048 acres, formerly used for agriculture and an uncontrolled flood plain. Adverse effects include increased load on schools, possible reduction in air quality, and increased noise levels. (ELR Order No. 71360.)

Meadowdale Subdivision, Texas, Dallas County, Tex., November 7: This proposal concerns an application by Fox & Jacobs, Inc., a major standard developer, for Federal mortgage insurance on a predominantly residential development in the east Dallas County community of Mesquite, Texas. The application includes an early start request for 199 of the 852 total units of single-family housing to be developed. This EIS covers the entire 219-acre site. Adverse effects include the taking of potential pasture land, the conversion of approximately 7.35 acres of flood hazard area for use as housing lots, and increased demand on fossil fuels. (ERL Order No. 71364.)

Draft

Harvest Bend Subdivision, Texas, Harris County, Tex., November 7: Proposed is the development of 410 acres for multipurpose use in Harris County, Texas, including up to 2,175 units under the Department of HUD's FHA home mortgage programs. Adverse effects, not unlike the adverse effects of other subdivision developments, would be the loss of grazing and potential agricultural land, and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71366.)

Tara Subdivision, Texas, Fort Bend County, Tex., November 7: Proposed is the acceptance of the Tara Subdivision in Fort Bend County, Texas for HUD/FHA mortgage insurance purposes. The 343-acre area will be developed into a planned community composed of single-family homes. The development will result in the transition of agricultural land to urban use, increased groundwater consumption, and increased demand for fossil fuels through heavy dependence upon the automobile for transportation. (ELR Order No. 71362.)

Final

The Colonies Project, Texas, Harris County, Tex., November 8: Proposed is the development of the Colonies Project in Harris County, Texas. The planned community will be composed of single-family homes, apartments, patio homes, and townhomes, to accommodate a population of approximately 9,500 people. Three thousand one hundred and fifty dwelling units will be built on the 743-acre tract of land. Adverse effects include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: EPA, COE, AHP, DOI, USDA, State and local agencies. (ELR Order No. 71371.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Final

E. Baton Rouge, La.—Beaver Bayou Project, East Baton Rouge County, La., November 10: Proposed is the improvement of the Beaver Bayou in East Baton Rouge Parish, Louisiana. The project involves the construction of an open trapezoidal section earth channel generally following the existing alignment. This channel will be of varying depth and bottom width with side slopes ranging from 2:1 to 3:1 depending on both design criteria and existing subsoil conditions. The project drains approximately 8640 acres of the northeastern portion of East Baton Rouge Parish and extends from the Comite River to Joor Road, approximately 10.5 linear miles. Comments made by: EPA, COE, and State agencies. (ELR Order No. 71383.)

Tarrant Co., Tex.—County Water Project, Tarrant County, Tex., November 8: Proposed is the adoption of a water project for Bedford, Euless, Collyville, Grapevine, and North Richland Hills in northeast Tarrant County, Tex. Plans call for the expansion of the existing plant, along with completion of the following items: Raw water storage and booster pump facility; 9 miles of raw water transmission line; 11 miles of treated water transmission line; and approximately 110 acres of right-of-way with 28 acres of easements. The action will result in alterations to land forms, streams and drainage patterns; increased erosion; and construction-related impacts. Comments made by: DOD, EPA, AHP, DOI, USDA, State and local agencies. (ELR Order No. 71367.)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Ms. Patricia Spillenkothen, Chief, Office of Environmental Affairs, National Capital Planning Commission, Washington, D.C. 20576, 202–724–0215.

Final

Washington, D.C. Civic Center, District of Columbia, November 8: Proposed are a site location and program for the Washington, D.C. Civic Center and adoption of the related modifications to the Comprehensive Plan and the Urban Renewal Plan. The action involves the transfer of jurisdiction over U.S. Reservation 174 from the National Park Service to the District of Columbia. The site consists of three privately held blocks and a small triangle of park land bounded by Ninth Street, H Street, Eleventh Street, and New York Avenue, NW., and has an area of 9.7 acres. The Center will consist of a ground-level exhibit hall, two levels of meeting and restaurant space, and underground parking. Comments made by: DOT, EPA, DOE, State and local agencies, and concerned interest groups. (ELR Order No. 71368.)

NUCLEAR REGULATORY COMMISSION

Notice

Due to administrative error, notification of the receipt of the Final EIS concerning the Green County Nuclear Powerplant, Green County, New York, was published in last Friday's FEDERAL REGISTER. This statement was not received by the Council.

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Akron-Canton Airport Improvements, Summit County, Ohio, November 11: Proposed is a project for land acquisition, runway extension, and related airport improvements at the Akron-Canton Airport in North Canton, Ohio. Project plans call for: the acquisition of approximately 167 acres in fee simple and approximately 41 acres in easement; the construction of a 75 x 3400 foot extension to parallel taxiway; and the relocation of instrument landing system localizer. Adverse effects include air and noise pollution increases, and the degradation of wildlife habitat within the project area. (ELR Order No. 71392.)

Final

Stewart Airport, Runway Extension, Orange County, N.Y., November 8: The state-

ment refers to proposed improvements of facilitels at Stewart Airport, Jamaica, N.Y. These improvements would include extensions of the existing east-west runway and the taxiway adjacent to Runway 9–27, provision of 2 high speed exist taxiways for Runway 9–27, and the strengthening of the existing portion of Runway 9–27. Little change will take place regarding water resources, vegetation, wildlife or recreational areas. Adverse impacts will occur in the areas of noise exposure, air pollution, and energy resources. Comments made by: DOT, DOD, HUD, HEW, EPA, DOI, USDA, DOC and State and local agencies, concerned groups and individuals. (ELR Order No. 71369.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

FAP 789 (SR 143) Madison County, Madison County, Ill., November 7: The proposed six-mile highway project calls for the reconstruction of the existing highway in rural areas between Wood River and Edwardsville and the relocation of the highway within the Wood River urban area to provide the most direct route between the junction of Illinois Highway 3 and the Berm Highway (FAP Route 155) and Illinois Highway 143 east of Wood River. The present highway facility would be modernized in conformance to the most recent standards of safety and service. Adverse effects include acquisition of 40 residences and 12 commercial establishments for right-of-way. (Region 5.)
for right-of-way. (Region 5.) (ELR Order No. 71363.)

Robert E. Lee Bridge and Approaches, Virginia, November 10: The proposed project is the replacement for the Robert E. Lee Bridge across the James River in the city of Richmond, Virginia, along with improvements to the north and south approaches to handle expected future traffic flows. The southern terminus for the project is the intersection of Decatur Street and Jefferson Davis Highway (Route 1–301) one block south of U.S. Route 360 (Hull Street) while the northern terminus is the intersection of Idlewood Avenue and Belvidere Street (Route 1–301) at the south end of the new bridge over the Downtown Expressway. The existing bridge would be demolished. (ELR Order No. 71381.)

Tri-County Expressway, Wisconsin, Winnebago, Calumet, Outagamie Counties, Wis., November 7: Proposed is the construction of the Tri-County Expressway, a four lane divided highway designed to freeway standards. The project will begin at the east terminus of the Little Lake Butte des Morts Bridge, proceed easterly to Lake Park Road, and then proceed northerly, crossing the Fox River and terminating at U.S. Hwy. 41. The project involves: the city and town of Menasha in Winnebago County; the town of Harrison in Calumet County; the city of Appleton, village of Kimberly, and towns of Buchanan and Grand Chute in Outagamie County; all in the State of Wisconsin. (ELR Order No. 71357.)

Final

ADHS Corridor D, Williamsburg, Pebbles, several Counties, Ohio, November 9: The proposed project consists of construction of a new highway, on new right-of-way, approximately 38 miles in length from its western end north of Williamsburg to its eastern end just south of Pebbles, Ohio. The proposed project is a divided, four-lane, limited-access highway. The highway is part of the Applachian Development Highway System and is an uncompleted segment of Corridor D in Ohio. The project is located in Clermont, Brown, Highland, and Adams Counties. Comments made by: DOT, DOI, EPA, USDA, COE and State and local agencies. (ELR Order No. 71375.)

Coast Highway (U.S. 101), South Unit, Clatsop County, Oreg., November 8: Proposed is the construction of a modern, limited-controlled access highway on the South Unit, Astoria-Camp Rilea Section, Oregon Coast Highway (U.S. 101). The proposed project section extends approximately 3.3 miles. Adverse impacts include degradation of aquatic habitat in the Skipanon River; the loss of four acres of wetlands; a reduction in wildlife habitat including a moderate loss of habitat for three endangered and threatened species; and the relocation of one business and five families. Comments made by: USDA, DOI, EPA, State and local agencies. (ELR Order No. 71372.)

Supplement

I H–3, North Halawa Valley Alignment (S–1), Hawaii, November 10: This statement supplements a final EIS filed with CEQ in May 1973. The proposed action is approval of one of two recommended alternative highway configurations to complete an existing Federal Aid Primary Highway located in the city and county of Honolulu, Island of Oahu, Hawaii. The alternatives are a realignment of the approved Interstate Route H–3 corridor through North Halawa Valley in either a six-lane or four-lane highway. The project will extend from Halawa Interchange to Halekou Interchange, approximately 10.7 miles, and will include a twin-bore trans-Koolau tunnel approximately 7,800 feet long. Vegetation will be removed. (ELR Order No. 71384.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Supplement

E. 63rd St. Line, Manhattan & Queens (S–1), New York, November 11: This statement supplements an EIS filed with CEQ in April 1973, and contains proposals by the New York City Transit Authority to amend the project. The proposed amendments are: (1) extension of the project 780 feet and the addition of a passenger station at Northern Blvd.; (2) addition of an emergency ventilation facility in Manhattan on E. 63rd Street between York and FDR Drive; (3) construction of 2 condenser water lines in the bed of E 63rd Street between the proposed Second Ave. emergency ventilation facility and the proposed station at 63rd Street-Lexington Ave. (ELR Order No. 71391.)

U.S. COAST GUARD

Final

LORAN–C Transmitting Station, Northern Minnesota, Lake of the Wo County, Minn., November 10: This project proposes to expand LORAN–C (Long Range Aid to Navigation) coverage to include the Great Lakes in accordance with the July 1974 Annex to the DOT's National Plan for Navigation, dated April, 1972. The Northern Minnesota LORAN–C transmitting station, a secondary station, will be used in conjunction with an existing LORAN–C master station at Dana, Indiana, and a secondary LORAN–C transmitting station in Seneca County, New York. The expanded site is located eight miles south-southwest of Baudette, Minnesota. Adverse effects include the acquistion of 112 acres of active farmland and 153 acres of marshy open land. Comments made by: COE, DOD, EPA, DOI, DOT, FPC, State and local agencies and concerned groups and individuals. (ELR Order No. 71379.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77–33433 Filed 11–17–77;8:45 am]

[3910–01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

NOVEMBER 11, 1977.

The USAF Scientific Advisory Board Ad Hoc Committee on Defensive Chemical Systems will hold a meeting on December 12, 1977 at the Pentagon, Washington, D.C. from 9 a.m. to 5 p.m.

The Committee will receive classified briefings concerning chemical defense and hold initial classified working sessions in preparation of a final report.

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 202–697–4648.

FRANKIE S. ESTER,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc.77–33333 Filed 11–17–77;8:45 am]

[3128–01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

FUEL ECONOMY OF MOTOR VEHICLES

Availability of 1978 Gas Mileage Guide

The Department of Energy (DOE) hereby gives notice of the availability of the 1978 Gas Mileage Guide. On November 2, 1976, the Environmental Protection Agency (EPA) issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (41 FR 49752, November 10, 1976) which, among other things, contain requirements for dealers of 1977, 1978, and later model year automobiles and light trucks to have copies of a booklet, The Gas Mileage Guide, available and on display in their showrooms. In this booklet prospective purchasers will be able to find the fuel economies of the various models of those vehicles offered for sale in a given model year. The Federal Energy Administration (FEA) is required by Section 506(b)(1) of the Energy Policy and Conservation Act (89 Stat. 871 et seq.) to publish and distribute such booklet. On October 1, 1977, DOE assumed FEA's authority under the Act, with regard to the Gas Mileage Guide, pursuant to Section 301 of the Department of Energy Organization Act (Pub. L. 95–91). Section 600.405–77 of the EPA regulations states that dealers will be expected to make such booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this Notice constitutes such notification.

The 1978 Gas Mileage Guide is available for display and distribution by dealers in their showrooms. Any dealer who has not already received Guides from DOE or who requires additional copies should request copies by writing to the following address, specifying the quantity desired of the 49-State and/or the California version:

Fuel Economy, Department of Energy, DPM room 6500, Washington, D.C. 20461.

Issued in Washington, D.C., November 14, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc.77-33351 Filed 11-15-77;3:49 pm]

SOLAR WORKING GROUP

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Solar Working Group will hold a meeting on December 9 and 10, 1977, from 9 a.m. to 5 p.m. each day in room 8222C at 20 Massachusetts Avenue NW., Washington, D.C.

The Working Group was established to provide guidance and evaluation by making an assessment of ERDA's solar programs.

The purpose of the meeting is for the Working Group to discuss its report on the present and projected levels of effort in the technologies for the solar program.

The meeting is open to the public. The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management, 202-566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on November 14, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc.77-33353 Filed 11-17-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 817-6; OPP-50338]

EXPERIMENTAL USE PERMITS

Issuance

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. 239-EUP-75. Chevron Chemical Co., Richmond, Calif. 94804. This experimental use permit allows the use of the remaining supply of approximately 560 pounds of paraquat as a dry bean harvest aid for desiccation of bean plants and broadleaf weeds and grasses; this use was authorized in a previous experimental use permit. A total of 840 acres is involved; the program is authorized only in the States of Colorado, Kansas, Minnesota, Nebraska, North Dakota, and Wisconsin. The experimental use permit is effective from July 21, 1977 to July 21, 1978. A temporary tolerance for residues of the active ingredient in or on dry beans has been established.

No. 1471-EUP-61. Elanco Products Co., Indianapolis, Ind. 46206. This experimental use permit allows the use of 5,490 pounds of the herbicide tebuthiuron to evaluate control of woody plants in non-crop areas such as railroad rights of way, utility rights of way, industrial sites, pipelines, and along highways. A total of 1,098 acres is involved; the program is authorized only in the States of Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. This experimental use permit is effective from September 28, 1977 to September 28, 1978.

No. 7946-EUP-5. J. J. Mauget Co., Inc., Burbank, Calif. 91504. This experimental use permit allows the use of 90 pounds of the fungicide 2 - (2 - ethoxyethoxy)ethyl - 2-benzimidazole carbamate on 11,649 trees to evaluate control of certain fungus diseases of ornamental trees. A total of 587 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and District of Columbia. The experimental use permit is effective from October 3, 1977 to October 3, 1979.

No. 876-EUP-30. Velsicol Chemical Corp., Chicago, Ill. 60611. This experimental use permit allows the use of the remaining supply of approximately 6,305 pounds of the herbicide 3 - [5 - (1,1-dimethylethyl)-1,3,4-thiadiazol - 2 - yl] - 4 - hydroxy-1-methyl-2-imidazolidinone and related compounds on rights of way, fencerows, industrial sites, wasteland and similar noncropland to evaluate control of certain annual and perennial weeds and grasses. A total of no more than 685 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from August 26, 1977 to August 26, 1978.

No. 241-EUP-69. American Cyanamid Co., Princeton, N.J. 08540. This experimental use permit allows the use of 376 grams of the insecticide temephos incorporated in 40 flea collars to evaluate flea control on 30 dogs. This program is authorized only in the States of Alabama, California, and New Jersey. The experimental use permit is effective from October 3, 1977 to October 3, 1978.

Interested parties wishing to review the experimental use permits are referred to room E-315 Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).)

Dated: November 10, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-33296 Filed 11-17-77;8:45 am]

[6560-01]

[FRL 817-4]

MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group to the Municipal Construction Division will be held December 5-6, 1977. On December 5 the meting will begin at 1 p.m. On December 6 the meting will begin at 9 a.m. The meeting will be held both days at Waterside Mall, room 3906-08, 401 M Street SW., Washington, D.C.

The purpose of the meeting is to review and discuss the Construction Grants Program of the Municipal Construction Division; Funding and Legislative Status, Reuse/Recycling/Reclamation/Flow Reduction, Streamlining Process, 208 Program, Research and Development and Sewage Treatmnet. Municipal Enforcement Policy, O&M Plans and Pretreatment.

The meeting will be open to the public. Any mmbeer of the public wishing to at-

tend the meeting should contract the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 29460. The telephone number is area code 202–426–8986.

THOMAS C. JORLING,
Assistant Administrator For Water and Hazardous Materials.

NOVEMBER 14, 1977.

[FR Doc.77-33299 Filed 11-17-77;8:45 am]

[6560-01]

[FRL 817-5; PP 7G1927/T134]

PESTICIDE PROGRAMS

3,5-Dimethyl-4-(methylthio)phenyl Methylcarbamate; Establishment of a Temporary Tolerance

Chemagro Agricultural Div., Mobay Chemical Corp., P.O. Box 4913, Kansas City, Mo. 64120, has submitted a pesticide petition (PP 7G1927) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of the pesticide 3,5-dimethyl-4-(methylthio) phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity blueberries at 30 parts per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerance was adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerance would protect the public health. The temporary tolerance has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Mobay Chemical Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires September 12, 1978. Residues not in excess of 30 ppm remaining in or on blueberries after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, room 315, East Tower, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202–755–4851.

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

Dated: November 19, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-33297 Filed 11-17-77;8:45 am]

[6560-01]

[FRL 817-8; OPP-30000/16B]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Dimethoate; Extension of Period for Submission of Rebuttal Evidence and Comments

On September 12, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing dimethoate. This notice was published in the FEDERAL REGISTER on September 12, 1977 (42 FR 26195). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted (40 CFR 162.11(a)(1)(i)).

Requests for an additional 60 days in which to present evidence to the Agency have been received from applicants and registrants who were affected by the notice of presumption. Requestors have specified a need for additional time to respond to the risk presumptions set forth in the September 12 notice (i.e., oncogenic effects in test animals, mutagenic effects, and reproductive and fetotoxic effects), and to properly assess the benefits of dimethoate.

The Agency agrees that additional time would be beneficial to ensure the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by those wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until January 6, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/16B." Comments and information received on or before January 6, 1978, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c) or 7 U.S.C. 136(d)(b)(1). Comments received after January 6, 1978, shall be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed will be available for public inspection in the Office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, room 447, East Tower, during the same time period.

Dated: November 10, 1977.

JAMES M. CONLON,
Acting Deputy Assistant, Administrator for Pesticide Programs.

[FR Doc.77-33294 Filed 11-17-77;8:45 am]

[6560-01]

[FRL 817-3; OPP-42005D]

STATE OF WYOMING

Intent To Approve State Plan for Pesticide Applicator Certification

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On January 29, 1976 notice was published in the FEDERAL REGISTER (41 FR 4359) of the contingent approval of the Wyoming State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Wyoming Plan) by the Regional Administrator, EPA Region VIII. Approval was contingent upon promulgation of draft implementing regulations submitted as part of the Wyoming Plan. Subsequently, on May 26 and September 16, 1977, Wyoming submitted final regulations to implement the Plan and to meet the terms of our contingent approval. These final regulations differ significantly from the draft regulations upon which the contingent approval was based. A summary of the changes follows.

Notice is hereby given of the intention of the Regional Administrator, EPA Region VIII, to approve the Wyoming Plan as amended.

SUMMARY OF CHANGES IN FINAL REGULATIONS

The definition of "Commissioner" was changed to limit those who could act as his designated agents to employees of the Department of Agriculture.

The definition of "distribute" was limited to selling, bartering, and offering for sale.

In the definition of "equipment" the exemption from inspection for hand powered equipment was removed.

The definition of "restricted use pesticide" was changed to mean anything that was labeled as a restricted use pesticide by EPA.

A new subcategory entitled "Rodent Control" was added to the categories Agricultural Pest Control and Ornamental and Turf Pest Control.

A new subcategory entitled "Vertebrate Pest Control" was added to the category Regulatory Pest Control.

It was clarified that non-readers could only be certified for single labels and would have to pass the single product private applicator exam when it was read to them.

The requirement that government employees meet the liability insurance provisions was removed.

The annual licensing requirement for commercial applicators was changed to a three year period and for private applicators to a five year period to coincide with the recertification period.

The commercial and private applicator license revocation procedure and penalty assessment procedure were changed to conform to the Wyoming Administrative Procedures Act.

The options available for private applicators to become certified were expanded to include satisfactory completion of a training course, completion of a programmed instruction workbook, or by examination.

A requirement was added to the emergency exemption provisions for private applicators. After receiving an emergency exemption a private applicator would be required to become fully certified by any one of the available options.

A new section was added giving the Board of Certification the authority to place additional requirements for certification on certain pesticides which are determined to be especially hazardous.

The requirement that commercial applicators submit copies of application records monthly was removed. Applicators must still maintain office copies of records.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed Wyoming Plan to the Chief, Pesticides Branch (8AH-P), Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295. The comments must be received on or before December 19, 1977, and should bear the identifying notation (OPP-42005D). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned location from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: November 3, 1977.

ALAN MERSON,
Regional Administrator,
Region VIII.

[FR Doc.77-33298 Filed 11-17-77;8:45 am]

[6560-01]

U.S. DEPARTMENT OF AGRICULTURE

Amendment to Specific Exemption To Employ Additional Use Pattern for Application of Acephate To Control Citrus Blackfly in Florida

The Plant Protection and Quarantine Programs (PPQ), Animal and Plant Health Inspection Service, U.S. Department of Agriculture (hereafter referred to as "USDA") was granted a specific exemption to use dimethoate, Guthion, and malathion in a program for regulatory and control purposes to contain and eradicate the citrus blackfly (*Aleurocanthus woglumi*, Ashby) in Broward, Dade, and Palm Beach Counties, Florida. Notice of granting of this exemption, which expired on October 1, 1977, was published in the FEDERAL REGISTER on December 13, 1976 (41 FR 54213). Under authority of the exemption, USDA was permitted to apply malathion to non-host plants in nurseries and host plants in urban areas, Guthion to host plants in nurseries, and dimethoate to citrus in commercial groves. The specific exemption has had several amendments, one of which occurred in January, 1977, allowing the use of ground applications of acephate by hydraulic sprayers to host plants in urban areas. In its request for that amendment, USDA stated that malathion does not provide an efficacy level adequate to control spread of citrus blackfly under Florida conditions; however, malathion will be used in circumstances where acephate is not desirable. In April, 1977, the exemption was further amended to allow application of acephate by helicopter to 600 acres of commercial citrus groves and 100 acres of abandoned citrus groves. In June, 1977, the exemption was also amended to allow the extension of aerial application of acephate to an additional 3,140 acres of commercial citrus groves if residues from aerial applications in commercial groves did not exceed the proposed action level at the prescribed preharvest interval.

Now the USDA has requested another amendment which would allow the use of backpack mist blowers for ground application of acephate to citrus in urban areas in the three counties mentioned above for greater efficiency, greater economy, and better public acceptance and ecological practice, since less pesticide would be used per treated area. USDA stated that although one pound active ingredient per 200 gallons of water dilution rate is effective when applied by hydraulic sprayers, this rate of application is not effective when applied by backpack mist blowers. According to USDA, preliminary data indicate that a minimum dilution rate for backpack mist blower application should be one pound per 100 gallons of water. The USDA requested permission to make multiple applications of acephate at this lower dilution rate. In addition, USDA requested permission to make a single application at this rate to fruit-bearing citrus in urban areas.

Available data indicate a hazard associated with Monitor, a plant and soil metabolite of acephate, as well as an impurity in the technical product. However, no serious adverse long-term or short-term effects are expected to result from ground application of acephate to residential citrus at a rate of 0.5-1.0 pound active ingredient per acre with up to six (6) applications per year, not to exceed three pounds of active ingredient per acre per year. No endangered species and/or their habitat(s) are likely to be threatened by this use of acephate.

The USDA assured EPA that the following are some of the standard operating procedures for the citrus blackfly control program: notification of residents in treatment areas and establishment of procedures to be followed to protect pets and livestock; all pesticidal applications will be under the supervision of personnel who meet or exceed the requirements of "knowledgeable experts"; monitoring to determine the impact of the program on the environment as well as to obtain residue data in food crops; and adherence to precautionary labeling on EPA-registered labels.

After reviewing the application and other information, EPA has decided to grant the amendment to the previously issued specific exemption and to allow acephate to be applied by backpack mist blowers to citrus in urban areas, and for treatment of an abandoned citrus grove for research purposes. The amendment is subject to the following additional restrictions:

1. Acephate may be applied using backpack mist blowers at a minimum dilution rate of one (1) pound acephate per 100 gallons of water;

2. A single application of acephate may be applied to food-bearing citrus trees in urban areas at a dilution rate of one (1) pound of active ingredient per 100 gallons of water. Residents will be advised not to eat treated fruit within 21 days of treatment;

3. Multiple applications of acephate at this rate may be applied to non-food-bearing ornamental or early post-harvest citrus trees, provided treatments are made at 21-day intervals and no greater than three (3) pounds of active acephate is applied per acre per year;

4. Three applications at 21-day intervals may be applied at this concentration to food-bearing citrus in an abandoned grove in order to obtain residue data for this use pattern. Treated fruit will be destroyed or used for research purposes only. Appropriate warning signs will be posted;

5. Treated fruit will be collected and analyzed by USDA for methamidophos and acephate residues and the results

of the tests will be submitted to EPA upon completion of the analyses; and

6. All other restrictions pursuant to the amended specific exemption remain in force.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: November 14, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.77-33295 Filed 11-17-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Supplement No. 5]

CANADA-U.S.A. FM BROADCASTING AGREEMENT OF 1947

Amendment of Table A

NOVEMBER 14, 1977.

(To the Table of Canadian FM Broadcasting Channel Assignments and Allocations With 250 Miles of the Canada-U.S.A. Border, Dated October 4, 1977, as revised April 12, 1977.)

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canada-U.S.A. FM Broadcasting forth in the attached list. It is to be noted that those representing assignments will indicate call signs plus parameters.

Further additions, changes, and deletions will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the basic Table fo Allocations may be obtained from Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20036, telephone: 202-452-1422.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

FM ENGINEERING DATA BASE LISTING - INDEX KEY STATE,CITY,FREQ OCT 04, 1977 PAGE 1
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
NOTICE UNOFFICIAL SECONDARY SOURCE. USE PRIMARY SOURCES FOR OFFICIAL INFORMATION ***NOTICE***

	HALIFAX	NS	213 C	44-39-03.0	100KWH		USA		770901
			90.5	63-39-28.0	711FTH		CANADIAN PROPOSAL		
CFDM	DRUMMONDVILLE	QU	282 C	46-07-06.0	50KWH	50KWV	USA		770901
			104.3	72-21-46.0	132FTH	132FTV	PROPOSAL TO CHANGE FROM A CLASS B TO A CLASS C.		
	MONTREAL	QU	253 C	45-33-23.0	100KWH	100KWV	USA		770901
			98.5	73-19-33.0	638FTH	638FTV	CANADIAN PROPOSAL - SPECIAL NEGTD SHORT-SPACED ALLOCATION.		

[FR Doc.77-33212 Filed 11-17-77;8:45 am]

[6712-01]

[Report No. I-407]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

NOVEMBER 14, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

SATELLITE COMMUNICATIONS SERVICES:

S.C.—75-DSE-MP-78 South Carolina ETV. (WD55), Columbia, S.C. Modification of Construction permit to add Authority for Transmit, for a receive-only earth station in the Domestic Communications Satellite Service.

N.Y.—76-DSE-MP-78 Long Island Education Television Council, Inc., Garden City, N.Y. Modification of Construction permit to change earth station locations.

FL.—77-DSE-MP-78 Board of Regents/Florida State University (WE82), Tallahassee, Fla. Modification of Construction permit for a receive-only earth station in the Domestic Communications Satellite Service to add Authority to transmit.

W.VA.—78-DSE-ML-78 Wheeling Antenna Co., Inc. (WD26), Wheeling, W.Va. Modification of License to carry the programming of UA Columbia/Madison Square Garden Events and C.B.N.

IND.—79-DSE-ML-78 Added Attractions, Inc. (WB55), West Lafayette, Ind. For Modification of License to receive additional Program materials at the facility.

NY—80-DSE-P/L-78 Gateway Cablevision Corp., Amsterdam, N.Y. Authority to construct, own and operate a Domestic Communications Satellite Receive-Only Earth Station at this location. Lat. 42°58'39", Long. 74°08'48" W. Rec. Freq. 3700-4200 MHz. Emission 36Q00F9. With a 4.5 meter antenna.

ILL—81-DSE-P/L-78 International Churches of the Foursquare Gospel, Decatur, Ill. Authority to construct, own and operate a Domestic Communications Satellite Receive-Only Earth Station at this location. Lat. 39°51'12" N., Long. 88°57'11" W. Rec. Freq. 3700-4200MHz. Emission 36000F9. With a 5 meter antenna.

PA—82-DSE-P/L-78 Sammons Communications of Pennsylvania, Inc., Cornplanter, Pa. Authority to construct, own and operate a Domestic Communications Satellite Receive-Only Earth Station at this location. Lat. 41°26'47" N., Long. 79°43'39" W. Rec. Freq. 3700-4200MHz. Emission 36000 F9. With a 4.5 meter antenna.

MI—83-DSE-P/L-78 General Electric Cablevision, Corp., Biloxi, Miss. Authority to construct, own and operate a Domestic Communications Satellite Receive-Only Earth Station at this location. Lat. 30°25' 22" N., Long. 88°57'23" W. Rec. Freq. 3700-4200MHz. Emission 36000F9. With a 5 meter antenna.

TX—84-DSE-MP-78 Cablevision Investors, Inc. (KB77), Waco, Tex. Modification of Construction Permit requesting an extension of time to complete construction.

COLO—85-DSE-MP-78 Western Tele-Communications, Inc. (KD73), Morrison, Colo. Modification of Construction Permit requesting an extension of time to complete construction.

KY—86-DSE-ML-78 Owensboro on the Air, Inc. d.b.a. Owensboro Cablevision, Owensboro, Ky. Modification of License for Temporary Authority to permit the reception of programming from Spanish International Network.

MI—87-DSE-P/L-78 TDS Engineering Co., Carthage, Miss. Authority to construct, own and operate a Domestic Communications Satellite Receive-Only Earth Station at this location. Lat. 37°10'57" N., Long. 94°21'36" W. Rec. Freq. 3700-4200MHz. Emission 36000F9. With a 6 meter antenna.

OH—88-DSE-P/L-78 Nelsonville TV Cable, Inc., Nelsonville, Ohio. Authority to construct, own and operate a Domestic Communications Satellite Receive-Only Earth Station at this location. Lat. 39°27'40" N., Long. 82°13'12" W. Rec. Freq. 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

COLO—89-DSE-ML-78 Estes Park Home Theatre (KF22), Estes Park, Colo. Modification of License for authority to receive the porgramming of WTCG, Channel 17, Atlanta.

CORRECTION

35-DSE-P/L-78 Trinity Broadcasting Network, Inc. In Report No. I-401 Frequencies Corrected should read Transmit & Receive, all other particulars remain the same.

291-CSG-P-78.—Communications Satellite Corp.; American Telephone and Telegraph Co.; ITT World Communications; RCA Global Communications, Inc., and Western Union International, Inc.—For Authority to construct 14/11 GHz Communications Satellite Earth Station facilities in the vicinity of Ttam and Lenox, W. Va. and an interconnecting microwave radio link via Laurel Mountain, W. Va. for operation with Communications Satellite Systems.

Location	Azimuth (Degrees)	Frequency (MHz)	Bandwidth	Points of communications
Etam, W. Va. (E.S.) 39°10'49"; 79°14'13" (with 17.3 meter antenna).	104-256	14000-14500 [1] 10950-11200 [1] 11450-11700	77000F9 72000F9 241000F9	Inteisat Satellites.
Lenox, W. Va. (E.S.) 39°34'06"; 79°34'46" (with 17.3 meter antenna).	101-259	14000-14500 [1] 10950-11200 [1] 11450-11700	77000F9 72000F9 241000F9	Do.
Etam, W. Va. (MW) 39°14'51"; 79°44'13".	295.1	14042.5 14209.5 14374.0	72000F9 81000F9 248000F9	Laurel Mountain, W. Va.
Laurel Mountain, W. Va. (MW) 39°17'31"; 79°46'03".	115.1	10992.5 11159.5 11574.0	77000F9 81000F9 248000F9	Etam, W. Va.
Do	27.3	5967.5 6134.5 6299.0	77000F9 81000F9 248000F9	Lenox, W. Va.
Lenox, W. Va. (MW) 39°34'07"; 79°34'48".	207.4	3742.5 3909.5 4074.0	77000F9 81000F9 248000F9	Laurel Mountain, W. Va.

[1] Receive frequency bands at earth stations.

NOTE.—Multiple Carriers will be located within the emission bandwidths of the respective center frequencies shown above. Although the above application has been submitted as one proposal under pt. 25 of our rules, the request for terrestrial facilities has been deemed to have been filed pursuant to pt. 21 of the rules, and therefore it should be noted that the proposed frequency allocations and usage are not consistent with those normally employed by Domestic Terrestrial Common Carriers and among others rule sec. 21.504.

[FR Doc.77-33211 Filed 11-17-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

PALATINE BANCORPORATION, INC.

Formation of Bank Holding Co.

Palatine Bancorporation, Inc., Palatine, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Co. Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Bank & Trust Co., Palatine, Ill. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 12, 1977.

Board of Governors of the Federal Reserve System, November 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-33357 Filed 11-17-77;8:45 am]

[6210-01]

PAOLA CITIZENS BANCSHARES, INC.

Formation of Bank Holding Co.

Paola Citizens Bancshares, Inc., Paola, Kans., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Co. Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 60.6 percent or more of the voting shares of Citizens State Bank, Paola, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 9, 1977.

Board of Governors of the Federal Reserve System, November 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-33356 Filed 11-17-77;8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 10, 1977 (CAB), November 11, 1977 (FTC & NRC) and November 14, 1977 (CPSC). 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 receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB, CPSC, FTC, and NRC requests 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 December 6, 1977, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of revision of Form 41, Report of Financial and Operating Statistics for Certificated Air Carriers by amendment to Part 241 of the Board's Economic Regulations (Uniform System of Accounts and Reports for Certificated Air Carriers). This amendment reduces the Board's accounting and reporting requirements for small certificated air carriers and upgrades the quality of traffic and capacity statistics for supplemental air carriers. Submission of reports called for in Part 241 is mandatory under Section 407 of the Federal Aviation Act. The CAB estimates respondents to be approximately 46 certificated air carriers and reporting burden for the entire Form 41 to be reduced from 2,087 hours annually per carrier to an average of 1,717 hours annually per carrier. The schedules in Form 41 are due at different intervals, i.e., monthly, quarterly and annually.

NUCLEAR REGULATORY COMMISSION

The NRC is requesting an extension without change clearance of the application and reporting requirements contained in 10 CFR 32, Specific Licenses to Manufacture Distribute or Import Certain Items Containing Byproduct Material. The NRC estimates respondents to number approximately 195 and application and reporting time for all sections and all respondents to total 2,365 hours annually.

The NRC is requesting an extension without change clearance of 10 CFR 36, Export and Import of Byproduct Material, §§ 36.22(c) and 36.24(c). The NRC estimates respondents to number approximately 1,300 and reporting time for both sections and all respondents to total 40 hours annually.

The NRC is requesting an extension without change clearance of the application, reporting and recordkeeping requirements in Part 70, Special Nuclear Material, §§ 70.32 (c), (d), (e), 70.57 (b), (c), (d), and 70.58. The NRC estimates respondents number approximately 21 and that the reporting time for all sections and all respondents totals 55,078 hours annually. Reports are due on occasion, bi-monthly, semi-annually and annually depending on the section applicable.

FEDERAL TRADE COMMISSION

The FTC is requesting clearance of a new voluntary single-time questionnaire that the Commission is planning to use in conducting a mail survey of multi-store

food retailers. The information collected by the questionnaire will be used to assist the Commission in evaluating its Trade Regulation Rule No. 424 requiring retail food stores to have price advertised items readily available at or below the advertised prices. The FTC states that questionnaires will be sent to a sample of selected industry firms drawn from the membership of the retail food industry's trade association, the Food Marketing Institute. The questionnaire will be used to ascertain information about the selected industry firms' efforts to comply with T.R.R. 424 and the cost of those efforts. The FTC estimates respondents to number approximately 150 and reporting time to average 5 hours per response.

CONSUMER PRODUCT SAFETY COMMISSION

The CPSC requests clearance of a new voluntary single-time questionnaire to be used in conducting a survey of Home Swimming Pool Accidents from a random sample of the American population. The potential respondents will be selected from a list created for CPSC by the National Swimming Pool Institute, who supplied the names and addresses of pool owners at various geographical locations in the United States. The purpose of the survey is to determine the incidence of and conditions present which contribute to accidents associated with slippery surfaces. The CPSC estimates approximately 500 respondents will complete the questionnaire and that reporting time will average one-half hour per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-33329 Filed 11-17-77;8:45 am]

[6820-14]

GENERAL SERVICES ADMINISTRATION

PRESIDENT'S REORGANIZATION PROJECT

Administrative Services Reorganization Project; Notice to the Public

As the President has stated on many occasions, his administration is determined to reorganize and streamline the executive branch of the Federal Government as one way to fulfill his commitment to the American people to make Government more responsive, efficient, and open.

At the President's direction, the Office of Management and Budget and the General Services Administration have initiated a reorganization study of the delivery of administrative services within the Federal Government. This effort, to be carried out as part of the President's Reorganization Project, will be focused on the role of the General Services Administration and other departments and agencies in the acquisition, management, and disposal of the goods and services necessary to conduct the Government's day-to-day business. The goal of the project is to develop organizational and procedural alternatives to improve the management and delivery of buildings, supplies, telecommunications, archives and records, and general administrative support. This project will be coordinated closely with other reorganization efforts which have an impact upon the total delivery of administrative services, such as the Federal Automated Data Processing Study.

While the users of these goods and services are primarily Federal departments and agencies, the total community of those concerned with the provision of such services extends far beyond the Government itself. In order to address the administrative services issue, it is important at the outset to consider the views, problems and priorities of all who are involved, including the businesses and industries which supply the Government, trade associations, public interest groups, State and local governments, employee unions, the academic community, and others.

A brief outline of the scope of the project, containing the major issues to be addressed, is attached. Your comments are invited to help ensure that the efforts of this project are focused on those areas most in need of improvement and most likely to produce greater efficiency and economy to all concerned.

Please send your comments and suggestions to Joseph F. Malaga, Executive Director, Administrative Services Reorganization Project, GS Building, 18th and F Streets NW., Washington, D.C. 20405. To be of greatest benefit to the project staff, comments should be received by December 31, 1977.

Thank you for your interest and cooperation.

Dated: November 17, 1977.

JAY SOLOMON,
Administrator of General Services.

PRELIMINARY PROJECT SCOPE

A. FACTFINDING AND DEVELOPMENT OF DATA BASE

1. Define the universe of common administrative service activities within the Federal Government, to include: (a) The roles and relationships of the General Services Administration and other agencies in the delivery of administrative services, (b) Gross expenditures for administrative needs, and (c) The range of services and alternatives available to user organizations.

2. Review the current organization, management, and delivery of services practiced by: (a) The General Services Administration, (b) Other Government agencies, and (c) Private industry.

B. MAJOR ISSUES AND QUESTIONS TO BE ADDRESSED

1. What are the objectives of a centralized support agency (GSA), and are they still valid in view of 28 years of operating experience?

2. To what extent are these objectives being achieved, and what economies result from the provision of centralized services after considering overhead costs both within GSA and user agencies?

3. What are the major limitations, if any, to achieving the objectives?

4. What duplication and overlap, if any, exists between GSA programs and similar activities in other agencies?

5. What other administrative and management functions should be considered for combination with this cluster of central activities?

6. Which GSA functions could be enhanced through greater delegation of authority or decentralization to program agencies?

7. What changes are possible in the way Government deals with business and industry that could lead to greater efficiencies and economies in the acquisition and delivery of administrative services?

[FR Doc.77-33535 Filed 11-17-77;10:33 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE, ADAMHA

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1977:

MINORITY ADVISORY COMMITTEE, ADAMHA

December 7-9—Open meeting.

December 7, 1 p.m., George Washington University, Washington, D.C.

December 8, 9 a.m. George Washington University, Washington, D.C.

December 9, 9 a.m., Conference Room 14-105, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Contact Mr. Ernest Hurst, Room 13C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3838.

Purpose: The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and National Institute of Mental Health.

Agenda: This meeting will be open to the public. The Agenda includes a session with the Administrator and progress reports by staff and by committee members. A major portion of the meeting will be devoted to a planning session for the 1977-78 Work Plan. Issues for discussion during this session may include research and human experimentation, national health insurance, manpower needs, and credentialing.

The exact building and room location for the December 7-8 sessions at George Washington University had not been determined at the time this Notice was

prepared. This information should be available by the time the Notice is published and may be obtained from the contact person listed above, who will also provide substantive program information. Attendance by the public will be limited to space available.

Mr. James C. Helsing, Acting Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of the Committee members. Mr. Helsing is located in Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–3783.

Dated: November 10, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77–33053 Filed 11–17–77;8:45 am]

[4110–03]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, place	Type of meeting and contact person
Microbiology Device Classification Panel.	December 1 and 2, 9 a.m., Room 6821, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing December 1, 9 a.m. to 10 a.m.; open committee discussion Dec. 1, 10 a.m. to 4:30 p.m.; closed committee deliberations Dec. 2, 9 a.m. to 4 p.m.; Thomas M. Tsakeris (HFK–440), 8757 Georgia Ave., Silver Spring, Md. 20910. 301–427–7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to agenda items to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by November 24, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

Open committee discussion. The panel will consider assignment of priorities for performance standard development for those devices classified into Class II.

Closed committee deliberations. The panel will discuss three transitional new drug applications (NDA 17–985, NDA 770001, and NDA 770002). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Bacterial Vaccines and Toxoids Panel.	December 12 and 13, Room 130, 6110 Executive Blvd., Rockville, Md.	Open public hearing Dec. 12, 9 a.m. to 10 a.m.; open committee discussion Dec. 12, 10 a.m. to 3 p.m.; closed committee deliberations Dec. 12, 3 p.m. to 5 p.m.; open committee discussion Dec. 13, 9 a.m. to 4 p.m.; Jack Gertzog (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–443–5455.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of communications received and review of draft panel report.

Closed committee deliberations. Discussion of data submitted in support of license application. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed comimttee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Council, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action;

review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: November 10, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-33161 Filed 11-17-77;8:45 am]

[4110-03]

[Docket No. 77P-0275]

BORDEN, INC.

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces that a temporary permit has been issued to Borden, Inc., to market test tomato juice from concentrate.

EFFECTIVE DATE: This permit is effective for 15 months, beginning on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1231.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of food deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to Borden, Inc., 180 E. Broad St., Columbus, Ohio 43215. This permit covers interstate marketing tests of tomato juice that deviates from the standard of identity prescribed in § 156.145 (21 CFR 156.145). The permit provides for the temporary marketing of 80,000 cases of twelve 46-ounce cans of the product to be distributed in the States of Arizona, Colorado, Indiana, Nebraska, New York, and Pennsylvania.

The test product will be manufactured in the Bercut-Richards Packing Co. (a subsidiary of Borden, Inc.) plant located in Sacramento, California. The product to be temporarily marketed has been prepared from tomato paste that compiles with the requirements of § 155.191 (a)(1) (21 CFR 155.191(a)(1)), water, and salt. The finished product will be equivalent to a single-strength juice normally found in the marketplace. In addition, ascorbic acid will be added to attain a vitamin C level of 3.5 milligrams per fluid ounce.

The principal display panel of the label will declare the product name as "Tomato Juice From Concentrate". Each of the ingredients used will be declarcd on the label as required by the applicable sections of Part 101 (21 CFR Part 101), except that the tomato ingredient complying with the requirements of § 155.191 (a)(1) will be declared as "tomato concentrate".

This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than February 16, 1978.

Dated: November 11, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-33163 Filed 11-17-77;8:45 am]

[4110-35]

Health Care Financing Administration

NOTICE TO PHYSICIANS IN MINNESOTA

Intent to Enter Into Agreement Designating a Professional Standards Review Organization for PSRO Area I of Minnesota

The Secretary of Health, Education, and Welfare proposes to enter into an agreement with, and to designate, the Foundation for Health Care Evaluation as the Professional Standards Review Organization (PSRO) for PSRO Area I of Minnesota, as redesignated in an amendment to 42 CFR 460.27 (formerly listed as 42 CFR 101.27) published in the FEDERAL REGISTER on September 23, 1977. The Secretary has determined that:

1. 4830 doctors of medicine or osteopathy are engaged in active practice in PSRO Area I;

2. The Foundation for Health care Evaluation is incorported, under the laws of the State of Minnesota as a nonprofit professional organization, whose membership is voluntary and comprises at least 25 percent of the 4830 licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I;

3. The officers of the Foundation for Health Care Evaluation are:

John J. Regan, M.D.—Chairman.
Donald C. Bell, M.D.—President.
Terrance Capistrant, M.D.—President-Elect.
John Ellis, M.D.—1st Vice President.
David E. Olson, M.D.—2nd Vice President.
Paul E. Schultz, M.D.—Secretary.
Merle S. Mark, M.D.—Treasurer.

4. The official address of the corporation is:

Northwestern National Life Insurance Building, Suite 400, 20 Washington Avenue, South Minneapolis, Minn. 55402.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I who objects to this agreement on the grounds that the Foundation for Health Care Evaluation is not representative of the doctors in the area may, within 30 days after the date of publication of this Notice in the FEDERAL REGISTER, mail his objections in writing to:

Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, N.Y. 10022.

Written objections must include the doctor's home and office addresses, his signature, and a certification that he is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities; administrative duties in a medical facility or other health-related institution; or medical or osteopathic teaching or research activities), in PSRO Area I.

If more than 10 percent of the doctors in active practice in the area raise objections, the Secretary will conduct a poll of all the doctors in the area to determine whether the Foundation for Healh Care Evaluation is representative of those doctors.

Dated: November 10, 1977.

ROBERT A. DERZON,
Administrator,
Health Care Financing Administration.

[FR Doc.77-33301 Filed 11-17-77;8:45 am]

[4110-35]

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Designation of Conditional Professional Standards Review Organization in PSRO Area XXI of California

I have determined that the Los Angeles County Medical Association, which is the membership association representing the largest number of doctors of medicine in California PSRO Area XXI, has adopted a resolution entitled "LACMA Policy Position on Professional Standards Review Organizations (PSRO)" dated November 13, 1973, and amended on October 7, 1974. I have determined that this resolution constitutes a formal policy of opposition to, or noncooperation with, the professional standards review program established under Title XI, Part B, of the Social Security Act.

Under Section 108(b) (1) of Pub. L. 94–182, because of that resolution, the requirements for notification and polling of doctors (Section 1152(f) of the Act) are not applicable to designation of a PSRO for Area XXI of California.

Accordingly, the Health Care Financing Administration has entered into an agreement with the California Area XXI PSRO, Inc., designating it as the conditional Professional Standards Review Organization for PSRO Area XXI of the State of California.

Dated: November 14, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-33300 Filed 11-17-77;8:45 am]

[4110-08]

National Institutes of Health

EXECUTIVE COMMITTEE OF THE NATIONAL DIABETES ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Executive Committee of the National Diabetes Advisory Board on December 20, 1977, in Washington, D.C. The time and meeting location may be obtained by contracting Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Md. 20014, 301–496–6045.

The meeting, which will be open to the public, is being held to continue review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne, Executive Director of the Board (address above) will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: November 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77-33057 Filed 11-17-77;8:45 am]

[4110-12]

Office of the Secretary

HEW REGULATORY PROCESS

Public Participation

SUMMARY: On September 12, 1977, the Secretary of Health, Education, and Welfare announced two major initiatives to improve the Department's regulations. The first, "Operation Common Sense," is a five year effort to review and revise existing regulations. The second changes the Departmental procedures for developing new regulations. These efforts will replace regulations policies issued by the Secretary of HEW on July 25, 1976 that were published in the FEDERAL REGISTER on August 17, 1976 (41 FR 34811).

The Secretary believes that public participation in the development and revision of HEW regulations is extremely important. The Secretary intends to monitor the Department's activity and will change regulatory policies as necessary. Public comment is invited on both the Department's plans to review and revise existing regulations, and on the new procedures for writing future regulations. Comments will be most useful if they are submitted within the next 90 days.

ADDRESS: Coments on the system to develop new regulations should be sent to: Frederick M. Bohen, Executive Secretary to the Department, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Comments on the system to review and revise existing regulations should be sent to: Inez Smith-Reid, Deputy General Counsel for Regulation Review, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Date: November 14, 1977.

FREDERICK M. BOHEN,
Executive Secretary.

OPERATION COMMON SENSE

The Secretary has directed the Department to review and revise existing Departmental regulations within five years. This initiative, Operation Common Sense, will require analysis of over 6,000 pages in the Code of Federal Regulations. The goals of Operation Common Sense are:

1. To eleminate regulations that are ineffective and outdated;
2. To rewrite regulations so that they are clear and understandable;
3. To remove burdensome, nonproductive requirements;
4. To revise regulations on the basis of experience since their issuance; and
5. To better organize and consolidate regulations.

To realize these goals, the Secretary has directed each agency to develop and carry out a plan to review and to rewrite existing regulations. The plans will establish:

1. Schedules for reviewing all regulations, for identifying those in need of revision and for assigning priorities for revision;
2. A tentative selection of priority regulations to be revised (2–5 regulations from each agency);
3. The person responsible within each agency for Operation Common Sense;
4. Time tables for completing parts of the review and revision effort (for example, one possible objective may be to eliminate all regulations for defunct programs within one year);
5. Methods to involve the public in selecting regulations for review and revision and in the actual changing of regulations; and
6. The immediate seelction of one regulation to be a "test model" for Operation Common Sense procedures.

The Secretary invited the public to assist the Department in identifying regulations that need to be changed. He has established a special mailing address for this purpose; Operation Common Sense, Box 536, Ben Franklin Station, Washington, D.C. 20044.

Copies of the Secretary's policy directive for Operation Common Sense are available upon request.

DEVELOPMENT OF NEW REGULATIONS

In addition to ordering the review and revision of existing regulations, the Secretary also established new procedures for improving the quality and timeliness of future Departmental regulations.

The new procedures require: 1. That agencies develop plans for writing regulations within weeks, rather than months or years, after the enactment of new laws, court orders, or decisions by the Secretary;

2. That these plans be reviewed by a panel of key Department staff to decide whether a regulation is needed, and, if it is, how a proposed rule can be drafted in clear language quickly for the Secretary's approval and public comment;

3. That a notice be published promptly in the FEDERAL REGISTER to alert the public that the Department is Working on a new regulation and to invite early public participation; (The entire plan will be available upon request.)

4. That the writing and review procedures within the Department be streamlined to speed-up rule drafting, approval, and publication in the FEDERAL REGISTER. Time limits for regulation writing will be set for each new rule and will be monitored closely by the Secretary. The Secretary will provide guidance early in the drafting of major regulations; and

5. That the public be provided better opportunities for more effective participation in regulation development throughout every step of the process, with emphasis on early outreach by the Department to those most affected by each regulation.

The following is the Secretary's September 12 directive reforming Departmental procedures for writing regulations.

To: Assistant Secretaries, Heads of Principal Operating Components.[1]

Subject: Reform of Departmental Procedures for Writing Regulations.

Long, complicated regulations, often taking years to issue, have too often been the hallmark of the Federal Government in general and this Department in particular. The President has vigorously declared his desire to see shorter, clearer regulations issued in a timely fashion. I am determined that this Department lead the Federal Government in the direction charted by the President.

My own experience with the Department's current regulations development procedures has convinced me that major reforms are needed:

1. To speed up the drafting of regulations, both to provide more timely program guidance to the public as well as to assure that the Department meets Congressional deadlines.

2. To insure that new rules are short, clear, and simple, and that existing rules are rewritten where necessary to produce more helpful and less confusing regulations.

3. To insure that regulations are not written if they are not necessary.

4. To allow the Under Secretary and the Secretary to review regulatory policies early in the drafting process to provide policy direction.

5. To reach out more aggressively for effective public participation, including timely involvement by those specialized constitu-

---

[1] The Department of HEW is divided into five principal operating divisions. They are: the Social Security Administration, the Public Health Service, the Health Care Financing Administration, the Education Division, and the Office of Human Development Services. Within HEW these offices are called Principal Operating Components, which is abbreviated as POC.

encies affected directly by the Department's rulemaking.

Fred Bohen and Peter Libassi circulated on July 8 their proposals to achieve these goals. I have studied carefully their recommendations and your comments on their proposals. I have also carefully considered the discussion of the July 26 staff meeting and the reports of subsequent discussion of these proposals by individual POC heads with the General Counsel, the Executive Secretary, and their staffs.

Based on this analysis, I have concluded that the Department's procedures for developing regulations must be thoroughly restructured and that there must be strong, constructive involvement by staff offices early in the preparation of regulations. The basic responsibility for producing clear, simple and concise regulations in a timely manner will rest with the heads of POCs, and they will be accountable for the development of their regulations.

The General Counsel will have responsibility for assisting the POCs to write high quality regulations as well as ensuring the legal sufficiency of the regulations. The Executive Secretary and his staff will monitor the timely preparation of regulations, provide management assistance through the ES Regulations Management Unit, and report to me on the Department's performance.

The staff Assistant Secretaries must give the highest priority to full, early participation in the regulation development process. Criticisms and problems raised for the first time after a regulation has been drafted, rather than before, will not fulfill this charge. All offices must commit themselves to analyze issues and problems before great effort has been expended. Endless rounds of argument, negotiation, clearances, and reclearances must end. Nonconcurrences at any stage of the process that cannot be resolved promptly should be raised immediately for resolution by the Under Secretary/Secretary.

The new regulations development procedures that I am establishing are set out in the attachment. I am determined to improve the procedures by which regulations are issued in this Department. An evaluation of the new procedures will be conducted by the Under Secretary after a year of operation to review the Department's progress and to recommend any needed changes.

JOSEPH A. CALIFANO, Jr.

APPENDIX

Effective October 1, 1977, the following procedures for issuing regulations will be followed.

(1) *Regulations proposals.* Each principal operating component (POC) will prepare a regulations proposal for submission to its regulation review panel covering each regulation the POC plans to draft. (If appropriate, a regulations proposal can cover more than one set of regulations.) The proposal will set out the following information:

The need for the regulation;

The significance of the regulation, by category ("technical," "policy significant," "major");

The schedule on which the POC intends to develop the regulation;

The name of the person in the POC with the responsibility (and the authority) to assign drafting responsibility, to resolve policy and procedural conflicts within the POC, and to oversee timely preparation of the regulation;

A statement of which major interest groups will be affected by or interested in the regulation, and the POC's plan for involving these groups and the public in the development of the regulation;

A listing of the other offices in the Department affected by or with special responsibility for matters involved in the regulation, and the POC's plan for working with them in developing the regulation; and

A statement whether and on what schedule an issue paper will be prepared for the Under Secretary/Secretary, with a brief description (without extended discussion) of the key policy issues involved in the regulations, and a brief statement whether contending views and alternative approaches exist, that will affect the development of the regulations.

A proposed format for the regulations proposal is attached to this directive. The final format and content of the proposal will be developed by the Executive Secretary (in consultation with the POCs and staff Assistant Secretaries).

These proposals will be submitted by the POC to the Regulations Management Unit, Executive Secretariat, within 45 days of any event that requires the development of new regualtions (enactment of a new statute or amendments, court orders, new policy decisions, public petitions for rulemaking, etc.). In the case of new legislation, POCs should submit regulations proposals well in advance of this deadline—generally even before the legislation is finally enacted.

These proposals, which will replace the current regulations development plans, will be forwarded by ES to the appropriate Regulations Review Panel described below. Proposals submitted later than 45 days after the precipitating event must be submitted to the Under Secretary/Secretary for approval with an explanation for the delay. No work on regulations should occur anywhere in the Department unless covered by a regulations proposal. A short one-paragraph precis of each regulation proposal will be published in the FEDERAL REGISTER, and each regulations proposal will be available to the public on request.

(2) *Regulations review panels.* A standing Regulations Review Panel will be established for each of the Principal Operating Components: Education Division, Public Health Service, Health Care Financing Administration, Social Security Administration, and Human Development Services.[3] The Panels will provide a one time, careful review of regulations proposals at the very start of the development process in order to tailor appropriately the procedures by which the regulation will be written and developed. The regulation panel for each POC will meet regularly (once a week, once every two weeks, or once a month) depending on the workload. Panels will consider regulations proposals no later than 15 days after receipt by Executive Secretariat.

(a) *Role and responsibilities.* The purposes of the panel are procedural and will be the following:

To review the need for regulations, to secure agreement on schedules, and to review the major elements in each POC's plan for developing a regulation;

To establish the need for continuing coordination with other POCs and with particular staff offices during policy discussions and drafting of the regulation;

To review and establish the need for Secretarial policy guidance on issues involved in the proposed regulations.

To permit (and indeed require) the expression of views by OS staff offices early in the process rather than the sudden surfacing of dissents after the POC has completed an arduous drafting process.

Specifically, each regulations proposal submitted to a review panel will contain recommendations from the POC on all of the major procedural decisions involved in establishing a plan to draft a regulation. The panel will discuss and evaluate the recommendations of the POC and concur or non-concur in the POC's recommendations. Any disagreement between the POC and the panel will be surfaced for decision by the Under Secretary or Secretary.

The panels will review each regulations proposal to consider the POC's recommendations on the following:

(a) Whether or not the proposed regulations are necessary;

(b) Classification of the regulation—based on its importance—into one of three categories (technical, policy significant, major) to determine;

(1) The need for early Secretarial involvement, and

(2) The extent of clearances to be required later in the process;

(c) Placement of "technical" rules into an accelerated development and approval process;

(d) The schedule for developing each regulation including—for policy significant and major regulations—the preparation and presentation of an issue paper to the Secretary before rules are drafted;

(e) The plan for intra-Departmental coordination in developing an issue paper, if needed, and in writing the regulation;

(f) The plan for, and timing of, meaningful participation by affected interest groups, public interest organizations, and the public; and

(g) The need for other government consultations (Congressional, Executive, State, local) regarding regulatory policies.

(b) *Membership.* The Executive Secretary (or one of his principal policy deputies) will chair each regulations review panel. The head of each POC or his or her representatives along with all other appropriate staff designated by the POC (which may vary for different regulations) will be represented on the panel. The panel will also have permanent members (at the Deputy Assistant Secretary level who can speak for the head of the staff office) from each of the following: Legislation, Planning and Evaluation, Management and Budget, Public Affairs, and Civil Rights. The Deputy General Counsel for Regulation Review and the appropriate Assistant General Counsel for each POC will also be members of the panel. The Head of the Regulations Management Unit in the Executive Secretariat will provide staff support to the panel and will participate in the panel's work. In addition to permanent members, selected participation in the panel meetings by the Deputy Under Secretary for Inter-Governmental Affairs, the Office of the Inspector General, the Assistant Secretary for Personnel Administration, and other POC's will be facilitated on appropriate regulations by the Executive Secretariat.

Each Staff Assistant Secretary must, therefore, designate either a Deputy Assistant Secretary or a senior official with supervisory responsibilities as his/her representative to each of the five Regulations Review Panels. These representatives must be designated in writing and the Staff Assistant Secretary must certify that the designated individuals have the authority to commit the staff office to final positions on issues brought before the panels. If a designated representative is unable to attend a panel meeting, he/she may send a representative but the representative will have no official voice or "vote" in the panel's deliberations.

[3] A panel for Office for Civil Rights will be convened, as necessary.

(3) *Different procedures for regulations of varying importance.* Departmental procedures will distinguish between minor, more technical regulations and major ones that deserve more intensive careful handling. Each regulation will be classified as "major," "policy significant," or "technical." Different clearance procedures, different policy review procedures, different time schedules, and different management techniques will apply for each classification.

(a) *Major regulations.* "Major" regulations (no more than 15–20 a year) will represent the regulations that are most extensive and complex and that will have the most widespread impact on the country. The classification will depend primarily on a judgment that the Department will need to devote very substantial time and effort to developing the regulations. The regulations to implement Section 504 of the Rehabilitation Act of 1973 provide an excellent illustration of the type of regulation.

Regulations of this magnitude will require the designation of a project manager to take responsibility for moving the regulation through the drafting and clearance processes. The appropriate POC will nominate the project manager for my approval. This appointee will be my personal representative, reporting to me on the progress in developing the regulation. But the substantive responsibility for setting policy and ultimately for producing the regulation in a timely fashion remains with the POC. Although the precise procedures for developing these regulations will largely rest within the discretion of the project manager, the following elements should be uniform:

The regulation will go through both a Notice of Intent and NPRM stage before moving to final regulations;

A thorough issues paper will be prepared by the responsible POC, with participation by all affected offices within the Department;

The project manager will have the responsibility and authority to resolve all disputes of a procedural nature, to refer quickly all disputes of a substantive nature to the appropriate decision-making level, to break procedural bottlenecks, and to request resources.

The project manager will be responsible for ensuring all needed coordination among affected offices within the Department in drafting the regulations and for expediting formal clearance throughout the Department in cooperation with ES.

(b) *Technical rules.* At the other end of the spectrum from major regulations, "technical" rules (those reflecting no policy change, affecting small numbers of institutions/recipients or small amounts of money, or involving narrow and precise changes in a specific regulation) will follow a tightly streamlined procedure.

The POC will be given no more than 60 days to complete drafting. No Notice of Intent will be prepared, and the regulation will automatically be prepared as a Notice of Proposed Rulemaking with a 30-day comment period. No staff clearances will be sought when the POC delivers the Notice of Proposed Rulemaking to the Executive Secretary unless requested at the Panel meeting. The Executive Secretary will circulate weekly to all offices a list of all "technical" rules received that week, and will provide review copies on request. Clearances with other POCs will be sought only when the Executive Secretary believes it appropriate if the other POC was not present or was not invited to attend the Regulation Panel meeting at which the regulation was considered. One week after being placed on this list, the rule will move forward to the Under Secretary/Secretary for action.

Within 20 days following the close of the comment period, the POC will be responsible for forwarding a final rule to the Executive Secretary. In the absence of significant public comment, the final rule will not be circulated for clearance and will automatically be forwarded to me for signature. Substantial public comment will dictate additional procedures to be agreed upon by the POC, General Counsel, and the Executive Secretary.

For this procedure to work, careful and full analysis of the regulations proposal at the Panel meeting will be required.

(c) *Policy significant rules.* Between the major rules and the technical rules lies the category of "policy significant" regulations. The importance and significance of these regulations will vary substantially, and the POC's latitude to tailor the development schedule to the requirements of the regulation will be substantial.

The POCs should present regulations proposals for this category of regulations that identify in detail the extent of the development process the POC believes appropriate for the regulation in question. Choices will be available to the POC in most areas:

The schedule for development;

The need for a Notice of Intent;

The need for coordination with other offices;

The extent of public participation;

The issues that need to be identified for Secretarial guidance;

The length of the comment period(s).

Staff offices and other POCs will be encouraged to provide advice at the Panel meeting and to "opt out" of further clearance for regulations that do not significantly affect their work. Staff offices will be asked to justify the raising of new issues in the clearance process if the questions were not raised either at the Panel meeting or when an issues paper was developed. Staff offices and other POCs have a responsibility to raise problems directly with the POC that produced a regulation before submitting written comments to the Executive Secretary to ensure that a serious disagreement exists. The Executive Secretary will not make lengthy efforts to negotiate compromise. Policy differences between offices will be sharpened for prompt presentation for decision to the Under Secretary/Secretary.

(d) *Limited delegations of authority.* Several POCs urged that the early steps of the regulation process, publication of Notices of Intent to Regulate (NOI) and Notices of Proposed Rulemaking (NPRM), be delegated to them. While the new classification system should eliminate NOI's for most of the less important regulations, thereby speeding up the entire process, the Under Secretary will be authorized to make some delegations of authority. The Under Secretary may delegate authority to publish Notices of Intent, on a case-by-case basis, where the POCs and the Panel recommend such a delegation. For technical regulations, the Under Secretary may delegate authority, on a case-by-case basis, to publish NPRMs, where the POC and the Panel recommend such a delegation. In such cases, a preamble to the NOI or NPRM will clearly state that the notice has not been reviewed by the Under Secretary or the Secretary and is being published on the authority of the POC.

(4) *Secretarial guidance on issues.* For major and policy significant regulations, issues identified early—either in the proposal to regulate or, more frequently, in a separate issues paper—will be forwarded to the Executive Secretary for presentation to the Under Secretary/Secretary. The development process will not stop while awaiting policy guidance, however. If guidance is to be provided, the Executive Secretary will either transmit the guidance in writing based on the issue paper, schedule a meeting, or request additional written materials.

(5) *Public participation.* The POCs must make new efforts to strengthen the Department's communication with the public in the development of regulations. Without the continued involvement of the providers and consumers of HEW-funded services, State and local governments, industry, academia, public interest organizations, and others in the evolution of HEW policies, those policies will neither be responsive to Congressional intent nor to national needs.

The new regulations procedures seek faster development of regulations. More rapid preparation of regulations must not be at the expense of more extensive and more effective consultation with the public and affected interest groups. And the Department must not rely solely on publication of NOIs and NPRMs in the FEDERAL REGISTER to generate public comment.

The following steps should be undertaken to seek more effective consultation with interested organizations and the public in the development of HEW regulations:

(1) Each POC should, in light of its specific concerns and constituencies, undertake a study of the most effective systems or methods it can devise to notify interested organizations and individuals that a regulation is under development and to seek their advice and reaction. These studies should be undertaken in consultation with the General Counsel and the Assistant Secretary for Public Affairs, and the POC's plans should be adopted and submitted to the Under Secretary/Secretary for review by November 1, 1977.

(2) The General Counsel, in consultation with the Assistant Secretary for Public Affairs, should review the Deptartment's past experience in seeking participation by the public and by outside groups to determine whether particular procedures should be adopted throughout the Department to encourage participation in the regulations process. This study should include a review of the experience of other Departments, and should include consideration of the desirability of financial assistance to facilitate participation in rulemaking proceedings. This study should be completed by November 1, 1977.

(3) The General Counsel and the Office of the Assistant Secretary for Public Affairs, through membership on each agency regulations panel, will have the specific responsibility to review whether the regulations proposal provides appropriate and meaningful public participation in the development of each regulation.

(4) A short summary of each regulations proposal will be published in the FEDERAL REGISTER immediately after it has been reviewed by a Regulations Review Panel to inform the public that the Department will be preparing particular sets of regulations. The full proposal will be available to the public on request. In addition, the Department will attempt every six months to publish a list of the major regulations it projects will be undertaken in the ensuing six months.

In short, the methods for achieving public participation in the development of major regulations and many policy significant regulations will be expanded not only to include use of FEDERAL REGISTER Notices of Intent and Notices of Proposed Rulemaking, but also specially designed activity to reach appropriate audiences with appropriate information.

This Department will utilize not only general public hearings during the NOI and NPRM comment period as a means of achieving public participation, but it will also take

the initiative to contact individuals and organizations (both providers and recipients) who are most affected by our policies.

(6) *State and local government participation.* A special effort should be made to strengthen the Department's consultation with state and local governments in the development of regulations that govern their actions. Accordingly, the Deputy Under Secretary for Intergovernmental Affairs should devise a plan to increase the early and meaningful participation of state and local representatives. This plan should be submitted November 1.

(7) *Division of responsibilities:* A. *Principal operating components.* Agency heads will continue to be responsible for deciding on the need for regulations, for recommending the appropriate process for drafting of each regulation, and for the actual drafting. POCs will be responsible for coordinating the development of issue papers for Secretarial review, but will be required to reflect the views (as dissenting or concurring) in that paper of other line and staff offices that either the POC or the Panel identifies as an interested party.

B. *Staff assistant secretaries.* The role of staff Assistant Secretaries has been modified from one of clearance at the end of the process, to that of participation in early phases of regulations development. The opportunity for staff from these offices to participate in issue identification and regulations drafting has been increased, thereby expanding the overall pool of available talent focusing on regulations development.

The Executive Secretary has, in consultation with the staff offices, identified specific issues relevant to the special expertise and responsibility of each staff office. These areas of responsibility have been reviewed and approved by the Secretary. Staff offices will focus on these issues in their participation on regulations panels, and each office will provide written responses to these questions for each regulation circulated by the Executive Secretary for clearance.

C. *Office of the General Counsel.* The Office of the General Counsel will:

(1) Review thoroughly and skeptically the need for regulations.

(2) Participate in the writing of regulations. The extent of General Counsel participation in writing may vary from agency to agency. General Counsel may review program drafts of regulations and make changes in them, or draft regulations from program specification, or draft/regulations without program specifications, or serve on drafting teams. The ideal is to have a single drafting process to avoid extensive passing of drafts back and forth between General Counsel and the program.

(3) Identify the extent of the legal need to write regulations.

(4) Raise and comment on policy issues and assure that the policy and legal alternatives are fully presented.

(5) Examine regulations for legal sufficiency, simplicity, clarity and brevity; assure adequate public participation and openess of the process.

D. *Executive Secretariat.* The Executive Secretary is responsible for implementing the revised procedures for rule development and assisting the POCs to see that the system achieves the objectives of timeliness, coordination, and early Secretarial involvement.

The Executive Secretary will oversee the scheduling of regulations development, monitor compliance with these schedules, chair the regulations panels, and clear regulatory documents with appropriate line and staff offices. The Secretariat will continue to perform quality control to ensure the completeness of staff work submitted to the Secretary. The Regulations Management Unit within the Secretariat will serve as the principal staff for each regulations panel.

(7) *Transition guidelines.* More than 300 regulatory actions are now in process within the Department. This backlog of unwritten regulations shall be eliminated as rapidly as possible. The outstanding regulations may range from Final Rules ready for the Under Secretarial/Secretarial review to planned, but not initiated, rule development for existing statutes or policies. In order to ensure an orderly transition from the current regulations procedures to the ones set out here, the following requirements will apply to all uncompleted regulatory activity:

(a) Any document submitted to the Executive Secretary on or before November 1 will be processed under current clearance and review procedures;

(b) If an NPRM has been publisher since January 20, 1977, a regulation proposal and panel review will not be required. For those regulations that fall into this category, only a projected target date for the submission of the Final rule to the Executive Secretary will be necessary;

(c) If an NPRM was published before January 20, 1977 and no Final rule has been approved, either the iFnal rule or a regulation proposal must be submitted to the Executive Secretary by November 1;

(d) For all regulations planned or in preparation in which NPRMs are not submitted to the Executive Secretary before October 1, 1977, regulation proposals may be required. Each POC must submit November 1 the following information on every regulation it is currently preparing or planning to prepare:

(*1*) The authority for the regulation and the date of that authority;

(*2*) The significance of the regulation (major, policy significant, technical);

(*3*) The projected dates for submission of documents at each stage of the process (NOI, NPRM, Final);

(*4*) The POC Head's recommendation for the procedural handling of each regulation (submit a regulation proposal, cancel plans to regulate, expedite processing, etc.).

Decisions on how each regulation will be handled will be discussed between the POC, the Executive Secretary and General Counsel, and submitted for approval and decision by the Under Secretary.

(8) *Sunset provision in new regulations.* The General Counsel should undertake a study of the feasibility of including a sunset provision in all regulations issued by the Department. Such a provision would provide that each regulation will expire at the end of a set period of time (e.g., five years). This report with recommendations should be submitted within 60 days.

PROPOSED FORMAT

REGULATIONS PROPOSAL

1. *Summary.* Short (100 words) summary of regulations proposal—program involved, substance of proposed regulation, etc. with name, address, telephone number of individual the public can contact for information. (This information will appear in the FEDERAL REGISTER.)

2. *Basis of Regulation.* What prompted the development of this proposal to regulate (new or amended statute, court order, policy decision, POC decision, public petition, etc.)?

3. *General Program Description.* Summarize briefly the general program to be affected by the proposed regulation:

Overall program purpose; Statutory Base; Fiscal History.

4. *Regulation Provisions.* Brief description of the subject matter that the regulation will cover. (What will the regulation do?)

5. *Need to Regulate.* Why must a regulation be developed and what would happen if it were not developed?

6. *Major Issues.* What are the anticipated issues that will have to be resolved before the regulation is finalized?

7. *External Expectations and Views.* Summarize the known views or expectations of major constituencies—providers, recipients, state/local governments, Congress and/or other Executive agencies on the issues described above. Indicate the anticipated level of controversy in resolving issues.

8. *Classification.* Based upon 6 and 7 above, how would the POC classify this regulation?

Major _____ Policy Significant _____ Technical _____.

9. *Schedule.* Based upon its classification, indicate which steps the POC proposes to complete for the development of the regulation and the anticipated dates for completion of each step:

Issue Paper to the Secretary. (Required for "major," optional for "policy significant"). Date to OS.

Notice of Intent. (Required for "major," optional for "policy signficant"). Date to OS.

Notice of Proposed Rulemaking. Date to OS.

Final Regulation. Date to OS.

10. *Coordination.* Describe the POC's plans to coordinate preparation of issue papers and/or regulation documents with other offices in the Department. List all offices to be included for each step of the process.

11. *Public Participation.* Describe the POC's plans to seek public involvement in the development of the regulation, including anticipated mailings, public hearings, publications, special meetings. Identify what particular individuals or groups the POC will attempt to involve through its outreach activities and how those activities will be conducted.

12. *POC Designee.* Provide the name, title, address and phone number of the individual designated by the POC head with the responsibility for developing the regulation and authority to speak for the POC head.

[FR Doc.77-33346 Filed 11-17-77;8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-77-781]

PRIVACY ACT OF 1974

Adoption of New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Adoption of new system of records.

SUMMARY: The Department hereby adopts a system of records containing personal information that it will maintain.

EFFECTIVE DATE: December 19, 1977.

ADDRESS: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone 202-755-6703.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, telephone 202–755–5192.

SUPPLEMENTARY INFORMATION: The new system will result from tracking individual consumer complaint actions on automatic data processing equipment. A notice proposing this new system of records was published in the FEDERAL REGISTER on July 22, 1977 at 42 FR 37604. No comments were received.

The prefatory statement containing General Routine Uses applicable to all of the Department's systems of records was published at 42 FR 54756 (October 7, 1977). Appendix A which lists the addresses of HUD's field offices was published at 42 FR 54777 (October 7, 1977).

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth above.

NOTE.—It is fully certified that the economic and inflationary impacts of this notice of systems of records have been carefully evaluated in accordance with OMB Circular A–107.

AUTHORITY: 5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., November 4, 1977.

JAY JANIS,
Acting Secretary, Department of Housing and Urban Development.

[FR Doc.77–33349 Filed 11–17–77;8:45 am]

[4210–01]

[Docket No. D–77–495]

ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

Amendment of Delegation of Authority

AGENCY: Department of Housing and Urban Development (HUD), Office of the Secretary.

ACTION: Notice of Delegation if Authority.

SUMMARY: The Secretary of Housing and Urban Development is delegating the authority to waive regulations for programs under the U.S. Housing Act of 1937 to the Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary.

EFFECTIVE DATE: November 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Schmitz, Acting Director, Section 8 and Leased Housing Division, 451 Seventh Street SW., Washington, D.C. 20410, phone: 202–755–5380, this is not a toll-free number.

SUPPLEMENTARY INFORMATION: HUD is amending the Delegation of Authority published March 16, 1971 (36 FR 5007), as amended June 26, 1971 (36 FR 12182), May 6, 1972 (37 FR 9251), August 2, 1972 (37 FR 15444), August 29, 1975 (40 FR 39920), and June 17, 1976 (41 FR 24622), to include authority to waive regulations for the low income housing programs (see 24 CFR, Chapter VIII) pursuant to the United States Housing Act of 1937, 42 U.S.C. 1437, et seq.

The Secretary is delegating the Authority to waive regulations pursuant to 24 CFR Part 899, Subpart A, to the Assistant Secretary for Housing—Federal Housing Commissioner and to the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner, and withholding the power to redelegate to other HUD officials.

Since this amendment involves HUD's internal management and administration, public comment and public procedure are unnecessary.

Accordingly, Section A, Paragraph 7 and Section D of the Delegation of Authority to the Assistant Secretary for Housing—Federal Housing Commissioner and Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner, published March 16, 1971 (36 FR 5007), as amended June 26, 1971 (36 FR 12182), May 6, 1972 (37 FR 9251), August 2, 1972 (37 FR 15444), August 29, 1975 (40 FR 39920), and June 17, 1976 (41 FR 24622), are revised to read as follows:

DELEGATION OF AUTHORITY

* * * * *

7. Housing assisted under the United States Housing Act of 1937 (42 U.S.C. 1401, et seq.), including amendments made by the Housing and Community Development Act of 1974 (42 U.S.C. 1437, et seq.), including the power and authority to waive regulations on behalf of the Secretary pursuant to 24 CFR, Part 899, Subpart A, and all power and authority of the Public Housing Administration and the head and other officers and offices of the Public Housing Administration transferred under Section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(a)), and Section 6 of Pub. L. 90–480 (42 U.S.C. 4156) with respect to waiver or modification of standards for the design, construction, and alteration of buildings for accessibility to the physically handicapped under such program.

* * * * *

D. *Authority to redelegate.* The Assistant Secretary—Commissioner and the General Deputy Assistant Secretary—Deputy Commissioner, each is further authorized to redelegate to employees of the Department and to agents any of the autohrity delegated under Section A, *except* the authority to waive regulations under Section A.7., and provided that the authority redelegated under Section A.8. shall be redelegated only to Regional Administrators, Deputy Regional Administrators, Area Directors, and Deputy Area Directors.

* * * * *

(Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)) Issued at Washington, D.C., November 3, 1977.)

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc. 77–33308 Filed 11–17–77;8:45 am]

[4210–01]

Federal Disaster Assistance Administration

[Docket No. NFD–581; FDAA–538–DR]

MISSOURI

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Major Disaster Declaration for the State of Missouri (FDAA–538–DR), dated September 14, 1977 (42 FR 55273, October 14, 1977).

DATED: October 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202–634–7825.

NOTICE: The Notice of Major Disaster for the State of Missouri dated September 14, 1977, is hereby amended to include the following county among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 14, 1977:

The County of:

Buchanan

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–33309 Filed 11–17–77;8:45 am]

[4310–55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Audubon Park & Zoological Garden, L. Ronald Forman, Director, P.O. Box 4327, New Orleans, La. 70118.

The applicant is applying for a Captive Self-sustaining Population permit authorizing the purchase, sale or trade for propagation and display those animals listed as T (C/P) in 50 CFR 17.11. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H St. NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–1587. Interested persons may comment on this application by submitting written data, views, or arguments

to the Director at the above address by December 19, 1977. Please refer to the file number when submitting comments.

Dated: November 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, U.S. Fish and Wildlife Service.

[FR Doc.77-33361 Filed 11-17-77;8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Woodrow W. Trevathan, Route 3, Box 273, Tarboro, N.C. 27886.

This application is for a Captive Self-sustaining Population permit authorizing the purchase and sale for the purpose of propagation of those species of pheasants listed in 50 CFR 17.11 as T (C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St. NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-962. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 19, 1977. Please refer to the file number when submitting comments.

Dated: November 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, U.S. Fish and Wildlife Service.

[FR Doc.77-33362 Filed 11-17-77;8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Ronald W. Seitz, 1955 Angling Road, Lyndonville, N.Y. 14098.

This application is for a Captive Self-sustaining Population permit authorizing the purchase and sale for the purpose of propagation of those species of pheasants listed in 50 CFR 17.11 as T (C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St. NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1619. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 19, 1977. Please refer to the file number when submitting comments.

Dated: November 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, U.S. Fish and Wildlife Service.

[FR Doc.77-33363 Filed 11-17-77;8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Gene Davis, Trio-D-Farm Supply, P.O. Box 325, Pasadena, Md. 21122.

The application is for a Captive Self-sustaining population (CSSP) permit that would authorize an unlimited number of transactions with two species listed as CSSP's; tigers (*Panthera tigris*) and leopards (*Panthera pardus*); with other CSSP permittees. The animals would be held in a two-acre comound adjoined by a building equipped for indoor maintenance. The animals would be used for propagation and exhibition; and exchanged with other CSSP permittees. Animals would be transported in a mobile cage in compliance with USDA regulations.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St. NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1537. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 19, 1977. Please refer to the file number when submitting comments.

Dated: November 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, U.S. Fish and Wildlife Service.

[FR Doc.77-33364 Filed 11-17-77;8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: San Diego Wild Animal Park, under the management of Zoological Society of San Diego, Route 1, Box 725E, Escondido, Calif. 92025.

The purpose of the application is for the export of seven male Arabian Oryx (*Orys leucoryx*) to the Shaumari Wildlife Reserve in Jordan for propagation in captivity and release of progeny into the Reserve. Applicant has indicated humane measures for transportation and maintenance.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St. NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1606. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 19, 1977. Please refer to the file number when submitting comments.

Dated: November 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, U.S. Fish and Wildlife Service.

[FR Doc.77-33365 Filed 11-17-77;8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Gus Silva, 941 Elm, San Carlos, Calif. 94070.

The purpose of this application is to buy and possess 10 pairs of Scarlet-chested parakeets (*Neophema splendida*) for propagation purposes. These animals were born in captivity. Humane shipment and care has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St. NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1548. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 19, 1977. Please refer to the file number when submitting comments.

Dated: November 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, U.S. Fish and Wildlife Service.

[FR Doc.77-33366 Filed 11-17-77;8:45 am]

[4310-70]

National Park 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 National Park Service before November 4, 1977. Pursuant to section 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, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by _____.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ALASKA

Sitka Division

Sitka, *Government School*, Katlian Way.

[FR Doc.77-33292 Filed 11-17-77;8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[332-89]

GENERALIZED SYSTEM OF PREFERENCES

Certain Articles Being Considered for Removal From and Inclusion to the List of Articles Eligible for Duty-Free Treatment

Notice is hereby given that the public hearing in the above noted investigation set to begin on Monday, November 21, 1977, at 9:30 a.m., c.s.t., will be held in the John C. Kluczynski Building, Room 349, 230 South Dearborn Street, Chicago, Ill. In addition, the public hearing will concern Report Nos. 1, 2, 3, and 4 of this investigation, rather than just Report No. 3, as previously announced.

Notice of the institution of the investigation and of hearings was published in the FEDERAL REGISTER of November 4, 1977 (42 FR 57761).

Issued: November 17, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-33525 Filed 11-17-77;10:16 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. STUDIENGESELLSCHAFT KOHLE M.B.H., ET AL.

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(d), set out below are a public comment and a response thereto relating to a proposed consent Judgment in *United States* v. *Studiengesellschaft Kohle m.b.H., et al.*, Civil Action No. 1255-70, D.D.C.

Dated:

CHARLES F. B. MCALEER,
Assistant Chief, Judgments & Judgment Enforcement Section.

STEVENS, DAVIS,
MILLER & MOSHER,
Arlington, Va., September 2, 1977.

Re: *U.S. v. Studiengesellschaft Kohle, m.b.H. et al.*, C.A. No. 1255-70 D.D.C. Proposed Consent Judgment.

RICHARD H. STERN, Esquire,
Chief, Patent Section, Antitrust Division, SAFE 704, Department of Justice, Washington, D.C. 20530

DEAR MR. STERN: Part IV of the Proposed Consent Judgment, as well as Part IIIB of the Competitive Impact Statement leave unclear, at least to me, whether the injunction of Article IV (A) (1) precludes any complaints by defendants under 19 U.S.C. 1337 and particularly section 1337a.

Part III B of the Competitive Impact Statement says Art. IV (A) "would apply however, to any such material that is imported into the United States." Yet, in the succeeding paragraph says Art. IV (A) "would not prevent defendants * * * from enforcing any process * * * patent claim against anyone not licensed under such claim."

Very truly yours,

ROBERT W. PARKHURST.

Re: *United States* v. *Studiengesellschaft Kohle m.b.H., et al.*, Civil Action No. 1255-70, D.D.C.—Government's Response to Comment to Proposed Judgment.

ROGER W. PARKHURST, Esq.

Stevens, Davis, Miller & Mosher, P.O. Box 2627, Arlington, Va. 22202.

DEAR MR. PARKHURST: This is in response to your letter of September 2, 1977, commenting upon the proposed consent judgment in *United States* v. *Studiengesellschaft Kohle m.b.H., et al.* You state that it is not clear to you "whether the injunction of Article IV(A)(1) precludes any complaints by defendants under 19 U.S.C. 1337 and particularly section 1337a."

Sections 1337 and 1337a permit the owner of a United States process patent to file a complaint in the International Trade Commission seeking an order to exclude goods made outside the United States by a process claimed in the patent. The filing by a consenting defendant of a complaint under these sections to exclude unpatented aluminum alkyls would appear to constitute an attempt to interfere with the use or sale of these goods in the United States, in violation of Section IV(A)(1), unless it falls within the following exception stated in paragraph IV(A)(2):

* * * nor shall it prevent a defendant from enforcing a process or machine patent claim against any person not licensed under such claim.

The quoted passage permits each of the consenting defendants to bring an infringement suit (under 35 U.S.C. 281) under any of its unexpired United States process or machine patents, against any manufacturer that infringes such a patent and refuses to obtain a license from defendant under Article VI of the proposed judgment. Because a manufacturer that makes unpatented aluminum alkyls abroad does not infringe United States process or machine patents by subsequently importing those goods into this country, a complaint filed under 19 U.S.C. §§ 1337 or 1337a does not constitute the "enforcing of a * * * patent claim against any person not licensed under such claim." Rather, it constitutes—in the words of the cited statutes—the assertion of a claim of "unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale * * *" It would therefore appear that, because the second phrase of Article IV(A)(2) of the proposed judgment does not authorize the filing of complaints before the International Trade Commission (under 19 U.S.C. 1337 or 1337a), Article IV(A)(1) of the proposed judgment enjoins the consenting defendants from filing such complaints.

Until your comment was received, the point you have raised was not considered in the drafting of the judgment. Because there are advantages in having a judgment deal expressly with such a point, once the point was raised by your comment the parties to the proposed judgment discussed possible revisions to its language. No such revision, however, proved to be mutually acceptable. On balance, the question you raise is of theoretical interest, but we are not aware of facts indicating that there is any substantial likelihood that aluminum alkyls made by a process claimed in a United States patent owned by a consenting defendant will be imported into the United States. You have stated to Mr. Shaffert of this office, in a telephone conversation of October 27, 1977, that you are not aware of any such facts either, and that your comment was prompted by your intellectual interest in the point rather than by the business interests of any client. In the circumstances, we have decided to take no further action on this point.

Sincerely yours,

RICHARD H. STERN,
Chief, Patent Section, Antitrust Division.

[FR Doc.77-33334 Filed 11-17-77;8:45 am]

[4410-01]

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Final 1977 Revised Aggregate Production Quota Oxycodone for Conversion

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On October 4, 1977, a notice of the proposed revised aggregate production quota for 1977 for Oxycodone For Conversion was published in the FEDERAL REGISTER (42 F.R. 54026-27). All interested parties were invited to comment on or object to the proposed aggregate production quota on or before October 28, 1977. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the revise aggregate production quota for the controlled substance listed below, expressed in grams of anhydrous base, be established as follows:

Basic class:	*Issued 1977*
Oxycodone for conversion	11,000

This order is effective on November 18, 1977.

Dated: November 9, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-33396 Filed 11-17-77;8:45 am]

[4410-01]

[Docket No. 77-5]

IRVING DAVIS, M.D.

Revocation of Registration

On January 25, 1977, the Administrator of the Drug Enforcement Administration (DEA) directed to Irving Davis, M.D. (Respondent) an Order to Show Cause proposing to revoke Dr. Davis' DEA Certificate of Registration, number AI1330618, for reason that on December 10, 1976, in the United States District Court for the Northern District of California, Dr. Davis was convicted of 20 counts of distributing controlled substances in violation of 21 U.S.C. 841 (a)(1), felonies relating to controlled substances. On February 8, 1977, the Respondent requested a hearing on the issues raised by the Order to Show Cause. Following the completion of prehearing procedures, a hearing was held on June 28 and 29, 1977, in the United States Tax Court Courtroom, San Francisco, California, the Honorable Francis L. Young, Administrative Law Judge, presiding.

On November 7, 1977, pursuant to 21 CFR 1316.65, Judge Young transmitted his report of these proceedings to the Administrator. Judge Young's report included his recommended findings of fact and conclusions of law, his opinion, and a recommended ruling and decision. Simultaneously, Judge Young certified the record of these proceedings to the Administrator.

The Administrator, pursuant to 21 CFR 1316.66, hereby publishes his final order in this matter based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found, inter alia, that on or about June 30, 1976, the Respondent was indicted by a grand jury of the United States District Court for the Northern District of California and was charged with twenty counts of knowingly and intentionally and unlawfully prescribing and causing to be distributed quantities of controlled substances not in the usual course of professional practice and not for a legitimate medical purpose. On December 10, 1976, following a jury trial, the Respondent was convicted on all twenty counts.

Judge Young found that a survey of prescription files from selected pharmacies in the San Francisco Bay Area showed that a total of 20,661 Schedule II drug prescriptions had been filled in these pharmacies during the three month period surveyed. These prescriptions had been written by over 900 different practitioners. The Respondent had written over 19 percent of the prescriptions.

The Administrative Law Judge further found that three part-time investigators employed by the State of California had obtained prescriptions for Schedule II controlled substances from the Respondent without physical examination, medical history or conversation regarding the patient's state of health or reasons for requesting the particular medication. Each of the investigators noted and testified as to the general disarray, clutter and disordered condition of the Respondent's office, and as to the extremely brief time the Respondent spent with them on each visit as well as with the several patients he would see while the investigators were in his waiting room. Judge Young found that the three investigators did not make the slightest pretense of stating any need, therapeutic or otherwise, for the drugs they sought prescriptions for and that the Respondent made no effort to ascertain whether such need existed or whether the drugs might do his patients harm. The Administrator adopts the Administrative Law Judge's Findings of Fact in their entirety.

The Administrative Law Judge concluded that based upon the experience of the three investigators, and supported by the results of the pharmacy prescription survey, the Respondent's services to his patients consisted merely of writing prescriptions for drugs on request. Judge Young concluded that this was not the bona fide practice of medicine and that such prescribing practices would constitute a real and present danger to the health and welfare of the Respondent's "patients."

The Administrative Law Judge further concluded that the "preponderance of the evidence indicates, clearly and convincingly, that the Respondent's past prescription writing practices should be terminated, and that the revocation of his DEA registration is necessary to effect such termination. The condition of Respondent's office regrettably indicates that he long ago ceased to practice medicine * * * The record is replete with indications that Respondent is likely to continue those very practices unless prevented from writing any controlled substances prescriptions at all." After a review of the record of these proceedings, the Administrator concurs with the Administrative Law Judge's conclusions.

The Administrator finds upon consideration of all of the facts and circumstances which led to the Respondent's conviction, that the Respondent's prescribing practices demonstrate a disregard both for the public health and safety and for his responsibilities as a physician. The Administrator further finds that the immediate and full revocation of the Respondent's controlled substances registration is necessary and proper in this case.

Therefore, pursuant to the authority vested in the Attorney General by Section 304 of the Controlled Substances Act (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the Certificate of Registration of Irving Davis, M.D. (DEA Registration AI1330618) be, and it hereby is, revoked. Furthermore, pursuant to 21 CFR 1316.66, and in consideration of all of the facts and circumstances in this record and as discussed by the Administrative Law Judge in his report, it is the finding of the Administrator that the termination of the Respondent's authority to prescribe controlled substances must be effected as soon as possible in the interest of the public health and safety. Therefore, the revocation of Dr. Davis' registration, ordered herein, shall be effective immediately.

Dated: November 14, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-33395 Filed 11-17-77;8:45 am]

[4410-01]

MANUFACTURED OF CONTROLLED SUBSTANCES

Application

Pursuant to 21 U.S.C. 823(a)(1), and § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 7, 1977, Hoffmann LaRoche Inc., Kingland Road and Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substances alphaprodine and levorphanol.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than December 20, 1977.

Dated: November 11, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-33397 Filed 11-17-77;8:45 am]

[4410-01]

Immigration and Naturalization Service

ALIENS SEEKING TO ENTER THE UNITED STATES

Implementation of Presidential Proclamation No. 4483 and Executive Order No. 11967, Both Dated January 21, 1977

1. The intent to apply the Pardon to certain inadmissible aliens is shown in paragraph 3 of Executive Order No. 11967, which directs that aliens who are or may be precluded from reentering the United States under 8 U.S.C. 1182(a)(22), or any other law, by reason of having committed or apparently committed any violation of the Military Selective Service Act shall be permitted as any

other aliens to reenter the United States. The pertinent portion of 8 U.S.C. 1182 (a) (22) relates to the inadmissibility of aliens who departed from the United States to avoid or evade training or service in the armed forces in a period declared by the President to be a national emergency. This portion of 8 U.S.C. 1182 (a) (22) is inextricably tied to the pardoned Selective Service offenses. In view of this interrelationship, the Attorney General has interpreted the Pardon as relieving aliens within its terms from the application of the "evading training or service" provisions of 8 U.S.C. 1182(a) (22).

2. In view of the unique circumstances surrounding the departure of those persons who left to evade military service during the Vietnam conflict and because of the benevolent intent evidenced by the Pardon and accompaning Executive Order, the Attorney General has determined that his discretionary authority to grant a visa waiver under 8 U.S.C. 1181 (b) may be exercised in behalf of aliens within the terms of the Pardon who meet the following criteria: (1) departed from the United States between August 4, 1964 and March 28, 1973 in order to avoid military service; (2) had the status of an alien lawfully admitted to the United States for permanent residence at the time of such departure; (3) has not performed any act intended for the express purpose of abandoning lawful permanent residence status; and (4) presents himself for readmission to the United States as a returning lawful permanent resident alien on or before June 1, 1978.

Dated: November 15, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-33359 Filed 11-17-77;8:45 am]

[6820-27]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

NOTE.—Due to an editorial oversight, this document originally appeared at page 59433, in the FEDERAL REGISTER for Thursday, November 17, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local areas.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 11th day of November 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING NOVEMBER 11, 1977

Name of applicant and location of enterprise	*Principal product or activity*
Star Coal Co., Lucas County, Iowa.	Processing of coal.
Farritron Corp., Holy Springs, Miss.	General contractor and operation of a restaurant.
Northeast Corridor Industrial Park, Jackson, N.J.	Development of multi-use industrial park.
Nanny Bonasso's Dodge City, Inc., Morgantown, W. Va.	Sales and service of new and used vehicles.
Mississippi Stone Company, Inc., Iuka, Miss.	A limestone quarry.
Sullivan's Printing Co., West Point, Miss.	Printing business.
Sturgis Super market Sturgis, Miss.	Operating a diversified retail complex.
611 Industrial Way West, Inc., Eatontown, N.J.	Manufacture of vinyl walcovering, paper and cloth backed.
River Marine Corp., Arkadelphia, Ark.	Manufacture of boats.
American Greetings Corp., (Tenant of City of Harrisburg, Harrisburg, Ark.	Production greeting cards and gift wrappings.
McMillan Constructors, Inc., Vivian, La.	Providing oil-field equipment.
S. E. K. Grain, Inc., Coffeyville, Kans.	Buying, selling and storing of grains.
Bluestone Motor Co., Hinton, W. Va.	Sale of new and used cars and trucks.
Carter Trucking Co., Inc., Locust Grove, Ga.	ICC Contract trucking.
Modern Marine Power, Inc., Houma, La.	Tugboat construction.
Oilfield Machine Works, Inc., Amelia, La.	Manufacture and repair of oilfield machinery.
Markin Tubing Inc., Wyoming, N.Y.	Manufacture of welded steel tubing.
Stabil-Drill Specialties, Inc., Amelia, La.	Rental of oil tools.
Vector Manufacturing Corp., Steamboat Springs, Colo.	Production and sales of miniature valves and fittings.
James V. Stallings and Co., Sikeston, Mo.	Certified public accounting.
Delta Diversified, Inc., Dalton, Ga.	Manufacture broadloom tufted and finishing broadloom carpet.
J&J Industries, Inc., Dalton, Ga.	Manufacture of commercial institutional carpet.
Barbee Chester Glover, Wendell, N.C.	Providing custodial care for the aged.
Southern Hospitality Inn, Inc., Hartselle, Ala.	Motel.

[FR Doc.77-33203 Filed 11-17-77;8:45 am]

[4510-30]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Michigan

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Michigan, effective on November 12, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Under present law the program expires January 31, 1978.

Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Michigan on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Michigan has determined under the Act and 20 CFR 618.19(b) that the average rate of insured unemployment in the State for the period consisting of the week ending on October 22, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Michigan for the week ending on October 22, 1977, and that the Federal Supplemental Benefit Period in that State terminated on November 12, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period normally would have a duration of 13 weeks, but with the program expiring at the end of January 1978, no benefits will be payable after the last week that ends on or before January 31, 1978.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Michigan Employment Security Commission of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on September 9, 1977, at 42 FR 45387. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Michigan should contact the nearest Branch Office of the Michigan Employment Security Commission in their locality.

Signed at Washington, D.C., on November 15, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-33379 Filed 11-17-77;8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 2, 1977.

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 December 2, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of November 1977.

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
Anderson Development (workers)	Miami, Ariz.	Nov. 2, 1977	Oct. 27, 1977	TA-W-2,575	The mining, heating and leaching of copper.
Armando DalMolin Music Typographers (workers).	Oyster Bay, N.Y.	do	Oct. 28, 1977	TA-W-2,576	Music engraving.
Belk Manufacturing Co., Inc. (workers)	Belk, Ala.	do	Oct. 19, 1977	TA-W-2,577	Boys' and mens' slacks.
Bethlehem Steel Corp. (workers), Transportation Department.	San Francisco, Calif.	Oct. 20, 1977	Oct. 14, 1977	TA-W-2,578	Routing and rate information to sales staff at the South San Francisco office.
Cities Service Co. (USWA)	Miami, Ariz.	Nov. 2, 1977	Oct. 27, 1977	TA-W-2,579	Mining of copper ore.
Cyprus Pima Mining Co. (USWA)	Tucson, Ariz.	do	do	TA-W-2,580	Do.
General Electric Co. (IUE)	Pittsfield, Mass.	Oct. 27, 1977	Oct. 25, 1977	TA-W-2,581	Power transformers.
Midland-Ross Corp. (USWA)	Phoenix, Ariz.	Nov. 2, 1977	Oct. 27, 1977	TA-W-2,582	Copper milling (balls and casting).
Pullman Berry Co. (Berry Metal employees association).	Harmony, Pa.	do	Oct. 28, 1977	TA-W-2,583	Selling of new and repairing used oxygen lances.
RCA Corporation (workers)	Meadow Lands, Pa.	Nov. 19, 1977	Oct. 26, 1977	TA-W-2,584	Handheld transmitter receiver units (walkie-talkie) and citizen bank units.
S. D. Sales Corp. (Blumenfeld & Kaplan Law Offices).	Garnerville, N.Y.	Nov. 2, 1977	Oct. 21, 1977	TA-W-2,585	Textile printing on cloth for appare industry.
San Francisco Wildflowers, Ltd. (company)	San Francisco, Calif.	Oct. 18, 1977	Oct. 4, 1977	TA-W-2,586	Juniors tops, blouses and dresses.
Sisco Incorporated (USWA)	Canton, Ohio	Oct. 31, 1977	Oct. 24, 1977	TA-W-2,587	Contract repair work for steel mills.
U.S. Steel Corp. Fairless Works (USWA)	Fairless Hills, Pa.	do	Oct. 20, 1977	TA-W-2,588	All carbon steel and steel products.
Walker Boardway Associates (workers)	Wiscasset, Maine	Nov. 2, 1977	Oct. 25, 1977	TA-W-2,589	Spooling pipes made of stainless steel and various steel fabrication.

[FR Doc.77-33381 Filed 11-17-77;8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 2, 1977.

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 December 2, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Clayton Shoe Co. (workers)	Corning, Ark.	Nov. 2, 1977	Oct. 20, 1977	TA-W-2,590	Women's shoes.
Fabrics By Joyce (Distributive Workers of America).	New York, N.Y.	do	Oct. 31, 1977	TA-W-2,591	Gray goods are produced into finished product, textile converted.
R.C. Still Co., Inc. (workers)	Tucson, Ariz.	Nov. 4, 1977	Nov. 1, 1977	TA-W-2,592	The selling of supplies to copper mines.
Republic Steel Corp. Buffalo Works (USWA).	Buffalo, N.Y.	Nov. 3, 1977	Oct. 20, 1977	TA-W-2,593	Carbon and alloy steel bars.
Serstel Corp. (Boilermakers Local Union)	Lackawanna, N.Y.	Oct. 19, 1977	Oct. 14, 1977	TA-W-2,594	Construction work for Bethlehem Steel Corp. Lackawanna, N.Y.
Stein & Koltis Enterprises, Inc. (workers)	New York, N.Y.	Nov. 2, 1977	Oct. 25, 1977	TA-W-2,595	Ladies' shoes.
Syntex Fabrics, Inc. (Textile Workers Union of America).	Williamsport, Pa.	Nov. 4, 1977	Oct. 21, 1977	TA-W-2,596	Apparel fabrics and outerwear lining fabrics.
Uniroyal, Inc. (Arthur, Dry & Kalish P.C.).	Thompson, Ga.	do	Nov. 1, 1977	TA-W-2,597	Canvas footwear
Youngstown & Northern Railroad Co. (Shop Craft Union).	Youngstown, Ohio	Nov. 2, 1977	Oct. 27, 1977	TA-W-2,598	Transportation of steel.

[FR Doc.77-33382 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-1869]

ALAN GARMENT CORP.

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-1869: 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 23, 1977 in response to a worker petition received on March 23, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's and misses' dresses at Alan Garment Corp., Wilkes-Barre, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alan Gar-

ment Corp., the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The Alan Garment Corp. produces womens' and misses' dresses. Production of dresses at Alan Garment Corp. increased 24.0 percent in quantity from 1975 to 1976 and increased 0.3 percent in quantity in the first two months of 1977 compared to the first two months of 1976. All production is on a contract basis, therefore sales equal production.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that neither sales nor production of women's and misses' dresses at Alan Garment Corp., Wilkes-Barre, Pa. have decreased as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-33383 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-2308, 2369]

BETHELEHEM STEEL CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2308, 2369; investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation with regard to TA-W-2308 was initiated on August 31, 1977 in response to a worker petition received on August 30, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel products at the Lakawanna, N.Y. plant of the Bethlehem Steel Co.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47271). No public hearing was requested and none was held.

The investigation with regard to TA-W-2369 was initiated on September 20, 1977 in response to a worker petition received on September 16, 1977 which was filed by the United Transportation Union on behalf of workers and former workers of the South Buffalo Railway Co., Lackawanna, N.Y., a subsidiary of Bethlehem Steel Co. The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Co., its customers, the South Buffalo Railway Co., the Department of Commerce, the U.S. International Trade Commission, industry analysts and Department Files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met with regard to the Lackawanna plant and the South Buffalo Railway Co.

Significant Total or Partial Separations. Employment of production workers at the strip mill division reached a quarterly high in the second quarter of 1977. Employment then declined by 13.3 percent by the end of August 1977. Average hours worked by employees in the strip mill declined by 12.5 percent in the first eight months of 1977 compared to the first eight months of 1976. In August 1977 company officials announced that major layoffs at the Lackawanna plant would result in separations involving 30 percent of the workforce. While official employment statistics are not yet available for September and October 1977, company officials state that almost 3,500 employees had been separated by October 22, 1977 in conjunction with the announced closing of a substantial part of the plant's production facilities.

The South Buffalo Railway Co. which services the Lackawanna plant is a wholly owned subsidiary of Bethlehem Steel Co. Employment of workers of the South Buffalo Railway Company reached a quarterly high in the second quarter of 1977 and then declined by 16.9 percent by September 1977.

Sales or Production, or Both, Have Decreased Absolutely. Carbon steel sheet and strip is the major finished product at the Lackawanna plant. Sales of sheet and strip in terms of quantity increased by 57.9 percent in 1976 compared to 1975 and then decreased by 2.1 percent in the first eight months of 1977 compared to the first eight months of 1976. Production of sheet and strip in terms of quantity increased by 68.7 percent in 1976 compared to 1975 and then decreased by 6.2 percent in the first eight months of 1977 compared to the first eight months of 1976.

Increased Imports. Imports of hot and cold rolled carbon steel sheet and strip decreased from 4,391.9 thousand short tons in 1974 to 3,620.0 thousand short tons in 1975. Imports then increased to 4,052.2 thousand short tons in 1975 and increased from 1,767.6 thousand short tons in the first six months of 1976 to 2,221.6 thousand short tons in the first six months of 1977. The ratio of imports to domestic shipments increased from 12.4 percent in 1974 to 14.5 percent in 1975 and then declined to 11.8 percent in 1976. The ratio of imports to domestic shipments increased from 10.0 percent in the first six months of 1976 to 12.9 percent in the first six months of 1977.

Contributed Importantly. On September 20, 1976 the Department certified as eligible to apply for adjustment assistance, all workers in the Lackawanna plant's Mills Structural and Slabbing Division. The Division produced about 5 percent of the plant's finished product. Carbon steel sheet and strip accounts for about 70 percent of the remaining finished product production at the plant.

On August 18, 1977 Bethlehem Steel Co. announced that it was reducing the steelmaking capacity of the Lackawanna plant by 41.7 percent. By October 22, 1977 almost 30 percent of the plant's workforce had been separated.

The Lackawanna plant which began operations in the nineteenth century is not the company's most efficient plant. Readily available supplies of imported steel products at prices competitive with or below those offered by the Lackawanna plant and competition from more efficient domestic plants has resulted in the company's decision not to undertake the necessary capital investment which would enable the plant to meet environmental standards and improve productivity. Imports of the major finished product at the Lackawanna plant increased absolutely from 1975 to 1976 and increased absolutely and relatively in

the first six months of 1977 compared to the first six months of 1976.

A survey of the Lackawanna plant's customers by the Department revealed that a significant proportion had switched purchases to foreign sheet and strip. Substantially cheaper prices for imported sheet and strip was the reason most frequently cited for the shift to imports.

It is therefore concluded that increased imports of articles like or directly competitive with carbon steel sheet and strip produced at the Lackawanna, N.Y. plant of Bethlehem Steel Co. have contributed importantly to the decline in sales or production of those products and to the total or partial separations of workers at that plant and at the South Buffalo Railway Co.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel sheet and strip produced by the Lackawanna, N.Y. plant of Bethlehem Steel Company contributed importantly to the total or partial separation of the workers of that plant and of the workers at Bethlehem's subsidiary, the South Buffalo Railway Co. In accordance with the provision of the Act, I make the following certification:

All workers at the Lackawanna, N.Y. plant of Bethlehem Steel Co. and the South Buffalo Railway Co., Lackawanna, N.Y. who became totally or partially separated from employment on or after May 14, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-33384 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-1892]

CABARET, 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-1892: 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 24, 1977 in response to a worker petition received on March 24, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's and misses' dresses at Cabaret, Inc., Plainsville, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cabaret, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to wheher any of the other criteria have been met, criterion (4) has not been met. Cabaret, Inc. produces women's and misses' dresses on contract from fabric cut and supplied it by the manufactuer. Cabaret produces for only two manufacturers. Neither of these manufacturers deals in imports. One of the manufacturers did more business with Cabaret in 1977 compared to 1976. The other manufacturer did less business with Cabaret in 1977 than in 1976 but did more business with other domestic contractors; its total sales increased.

Slowdowns at Cabaret are generally caused by delays when Cabaret must vait for its sub-contractors to return work. There were some layoffs during the early months of 1977 caused by the energy crisis and the city's request that the plant cut back on gas usage. The gas crisis resulted in two shutdowns each lasting for 2 weeks.

Conclusion. Thus, it is concluded that increases of imports of articles like or directly competitive with women's dresses produced by Cabaret, Inc. have not contributed importantly to the separations of workers and to a decrease in sales or production as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of November 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-33385 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-1900]

DAMSEL SPORTSWEAR CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1900: 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 24, 1977 in response to a worker petition received on March 24, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing sportswear at the Plains, Pennsylvania plant of Damsel Sportswear Co. The investigation revealed that this sportswear consists almost entirely of girls' slacks.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the information and publications of the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, Damsel Sportswear Co., Damsel Manufacturing Co., industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Evidence developed in the Department's investigation reveals that Damsel Sportswear Co. performs contract cutting operations only for its parent company, a New York City based manufacturer of girls' sportswear. Sales of sportswear by this manufacturer in terms of

value increased 25.4 percent in 1976 compared with 1975 and increased 12.0 percent in the first half of 1977 compared with the first half of 1976. This manufacturer's domestic contracting orders increased 75.0 percent in 1976 compared with 1975 and increased 2.1 percent in the first half of 1977 compared with the first half of 1976. The manufacturer utilizes no foreign contractors nor does it import any girls' slacks or sportswear.

Conclusion. After careful review of the facts obtained in this investigation, it is concluded that increases of imports of articles like or directly competitive with the girls' slacks and sportswear produced under contract by Damsel Sportswear Co. in Plains, Pa. did not contribute importantly to the decline in sales or to the total or partial separations of workers of that firm as required for a certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-33386 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-1592]

GULF AND WESTERN ELCO CORP.

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-1592: 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 25, 1977 in response to a worker petition received on that date which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers producing electronic connectors at Gulf and Western Elco Corp., Huntingdon Division, Huntingdon, Pa.

The notice of investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8019). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Huntingdon Division of Gulf and Western Elco Corp., customers of the Huntingdon Division, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion four (4) has not been met.

Evidence developed during the Department's investigation revealed that increased imports of electronic connectors have not contributed importantly to separations, or the threat thereof, or to the decrease in sales or production.

Customers of the Huntington Division of Gulf and Western Elco Corp. who were surveyed did not purchase imported electronic connectors. Decreased purchases from the Huntington Division of Gulf and Western Elco Corp. were attributed to inventory build ups resulting from the depressed market for electronic connectors.

The ratio of imports of electronic connectors to domestic production was below 5 percent from 1972 to 1976 due to market specialization dictated by the trict quality specifications for electronic connectors.

Increased competition in the domestic market for electronic connectors, resulting from companies expanding their product lines to compete across a broader product spectrum, has decreased the market share of many individual firms.

Conclusion. After careful review of the fact obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with electronic connectors produced by the Huntingdon Division of Gulf and Western Elco Corp., Huntingdon, Pa. did not contribute importantly to the decline in sales and to the total or partial separations of workers of that firm as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of November 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-33387 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-1885]

HARBOUR CASUALS, 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-1885: 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 23, 1977 in response to a worker petition received on March 23, 1977 which was filed by the International Ladies Garment Workers Union and former workers producing ladies' sportswear at Harbour Casuals, Inc., Plains, Pennsylvania. During the investigation it was determined that ladies' beach sportswear was produced.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harbour Casuals, Inc., Plains, Pennsylvania, its customer, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Harbour Casuals, Inc. in Plains, Pennsylvania is a contractor for ladies' beach sportswear for only one manufacturer. Sales of this manufacturer increased 28.3 percent in fiscal year 1976 (July 1 through June 30) compared to fiscal year

1975 and 2.3 percent in fiscal year 1977 compared to fiscal year 1976. This manufacturer decreased orders with Harbour Casuals, Inc. and increased orders with other domestic contractors. It does not use foreign contractors.

The Plains plant opened in October 1976. Since that time, production has increased in each quarter compared to the preceding quarter.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' beach sportswear produced by Harbour Casuals, Inc., Plains, Pennsylvania did not contribute importantly to the decline in production and to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 11th day of November 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-33388 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-1886]

HI STYLE FASHIONS COMPANY, 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-1886: 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 23, 1977 in response to a worker petition received on March 23, 1977 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing sportswear at Edwardsville, Pennsylvania plant of Hi Style Fashions Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hi Style Fashions Company, Inc., its customer, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Evidence developed during the Department's investigation revealed that the value of contract work performed at Hi Style Fashions Co. increased 15.9 percent in 1976 compared to 1975 and increased 22.7 percent in the first 8 months of 1977 compared to the same period of 1976.

The only manufacturer for who Hi Style Fashions Co. performs contract work increased its purchases from Hi Style Fashions in 1976 compared to 1975 and in the first half of 1977 compared to the same period of 1976. This manufacturer increased its purchases from other domestic contractors 75.0 percent in 1976 compared to 1975 and 2.1 percent in the first half of 1977 compared to the same period of 1976. This manufacturer does not use foreign contractors.

Conclusion. After careful review of the facts obtained in the investigation I conclude that sales or production of the contract work performed on girls' slacks and sportswear produced by Hi Style Fashions Company, Incorporated, Edwardsville, Pennsylvania have not declined as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Administration and Planning.

[FR Doc.77-33389 Filed 11-17-77;8:45 am]

[4510-28]

[TA-W-2074]

UXBRIDGE KNITTING MILLS

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-2074: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 16, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing double knit fabric at Uxbridge Knitting Mills, Uxbridge, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26181). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Uxbridge Knitting Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Textile Manufacturers Institute, the National Knitted Outerwear Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Uxbridge Knitting Mills, Uxbridge, Massachusetts was a commission knitter. Yarn was received from converters to be knitted into fabric. The knit fabric was sent from Uxbridge to fabric finishers to be finished and then sent back to the converter. The Uxbridge plant was closed in May 1977.

Converters, who commissioned Uxbridge Knitting Mills to knit fabric and represented over 82 percent of Uxbridge Knitting Mills' commissions in 1976, responded to an OTAA survey. These converters indicated that they did not purchase any knit or finished fabric offshore.

One converter represented 63 percent of Uxbridge Knitting Mills' commissions in 1976. This converter was bought out by another domestic firm. The domestic firm had its own knitting mills. Therefore, commissions with Uxbridge Knitting Mills were terminated.

Conclusion. After careful review of the facts obtained in the investigation, it is concluded that imports of articles like or directly competitive with knit fabric produced at Uxbridge Knitting Mills, Uxbridge, Massachusetts did not contribute importantly to the decline in sales or production or to the total or partial separations of the workers at that firm, as required for certification under Section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C. this 8th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-33390 Filed 11-17-77;8:45 am]

[TA-W-1463]

YOUNGSTOWN SHEET AND TUBE CO.

Determinations 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-1463: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 20, 1977 in response to a worker petition received on December 20, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel products at the East Chicago, Ind., Plant of Youngstown Sheet and Tube Co.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1545). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Youngstown Sheet and Tube Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

This investigation has revealed that (a) for workers engaged in employment related to the production of tin mill, cold rolled sheet and strip, hot rolled sheet and strip and galvanized sheet, criterion (2) has not been met; (b) for workers engaged in employment related to the production of bar and bar products, criterion (3) has not been met.

This investigation has further revealed that all of the above criteria have been met for workers engaged in employment related to the production of pipe and tubing and steel plate.

Tin Mill. Both sales and production of tin mill manufactured at the East Chicago, Ind. Plant of Youngstown Sheet and Tube Co. decreased 28.1 percent in terms of quantity in 1975 compared to 1974, but increased 10.7 percent in terms of quantity in 1976 compared to 1975.

Cold Rolled Sheet and Strip. Both sales and production of cold rolled sheet and strip manufactured at the East Chicago, Ind. Plant of Youngstown Sheet and Tube Co. decreased 36.7 percent in terms of quantity, in 1975 compared to 1974, but increased 55.1 percent in terms of quantity in 1976 compared to 1975.

Hot Rolled Sheet and Strip. Both sales and production of hot rolled sheet and strip manufactured at the East Chicago, Ind. Plant of Youngstown Sheet and Tube Co. decreased 15.1 percent in terms of quantity in 1975 compared to 1974, but increased 17.2 percent in terms of quantity in 1976 compared to 1975.

Galvanized Sheet. Both sales and production of galvanized sheet manufactured at the East Chicago, Ind. Plant of the Youngstown Sheet and Tube Co. decrease 41.6 percent in terms of quantity in 1975 compared to 1974, but increased 66.7 percent in terms of quantity in 1976 compared to 1975.

Bar and Bar Products. Imports of carbon bars decreased from 935.9 thousand tons in 1972 to 849.4 thousand tons in 1973, decreased to 777.1 thousand tons in 1974, decreased in 1975 to 488.7 thousand tons, and decreased again in 1976 to 454.5 thousand tons.

The imports to domestic shipments ratio for carbon steel bars decreased from 12.2 percent in 1972 to 9.6 percent in 1973, decreased to 8.6 percent in 1974, decreased in 1975 to 7.7 percent and decreased again in 1976 to 6.6 percent.

Imports of carbon steel bar-size light shapes decreased from 562.7 thousand tons in 1972 to 457.4 thousand tons in 1973, increased to 521.4 thousand tons in 1974, decreased to 167.2 tons in 1975, and decreased again in 1976 to 164.3 tons.

The imports to domestic shipments ratio for carbon-steel bar-size light shapes decreased from 75.1 percent in 1972 to 44.2 percent in 1973, increased to 53.1 percent in 1974, decreased to 22.7 percent in 1975 and decreased again in 1976 to 19.5 percent.

United States imports of track spikes during the 1972–1977 period were negligible.

No mine roof bolts are imported into the United States for general distribution.

Carbon Steel Plate; Significant Total or Partial Separations. Average annual employment of workers engaged in the production of steel plate declined in 1976 compared to 1975.

Sales or Production, or Both, Have Declined Absolutely. Sales of steel plate in terms of quantity declined 4.0 percent in 1976 compared to 1975.

Increased Imports. Imports of carbon steel plate declined from 1,651.0 thousand short tons in 1972 to 1,322.0 thousand short tons in 1973. Imports increased to 1,699.0 thousand short tons in 1974, decreased to 1,353.0 thousand short tons in 1975 and increased to 1,555.4 thousand short tons in 1976.

The ratio of imports to domestic shipments declined from 26.3 percent in 1972 to 16.4 percent in 1973. The ratio increased to 18.8 percent in 1974, increased further to 19.4 percent in 1975 and increased again to 27.7 percent in 1976.

Contributed Importantly. Increased imports of a wide range of steel products have had the effect of both reducing domestic steel production and depressing domestic steel prices. For the week ending September 17, 1977 the domestic steel industry was operating at only 75 percent capacity. On October 3, 1977 the U.S. Treasury Department made a preliminary finding that foreign steel producers were selling carbon steel plate in the U.S. market at prices substantially below their production costs.

A survey of customers of steel plate responding to an OTAA survey indicated that imports were an influencing factor in purchases from Youngstown and the recent increase in the ratio of imports to domestic shipments confirms this statement.

Pipe and Tubing; Significant Total or Partial Separations. Annual average employment of workers engaged in the production of pipe and tubing decreased 11.9 percent in 1976 compared to 1975.

Sales or Production, or Both, Have Declined Absolutely. Sales of pipe and tubing declined 52.7 percent in quantity in 1976 compared to 1975.

Increased Imports. Imports of pipe and tubing declined from 1,768.1 thousand short tons in 1972 to 1,574.6 thousand short tons in 1973. Imports increased to 1,781.5 thousand short tons in 1974, declined to 1,542.5 thousand short tons in 1975 and increased to 1,820.7 thousand short tons in 1976.

The ratio of imports to domestic shipments decreased from 22.3 percent in 1972 to 17.2 percent in 1973, increased to 17.9 percent in 1974, increased in 1975 to 18.5 percent and increased again to 29.1 percent in 1976.

Contributed Importantly. The customer survey of uses of pipe and tubing revealed that imports are an influencing factor in purchasing decisions made by these customers. The recent sharp increase in the import to shipments ratio corroborates evidence developed in the customer survey. The increases in imports of pipe and tubing have forced substantial cutbacks in production and employment at the East Chicago plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with tin plate, hot and cold rolled sheet and strip, galvanized sheet, and bar and bar products produced at the East Chicago, Ind. Plant of Youngstown Sheet and Tube Co. did not contribute importantly to the total or partial separations of workers at that plant as required for certification

under Section 222 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with steel plate, pipe and tubing produced at the East Chicago, Ind. Plant of Youngstown Sheet and Tube Co. contributed importantly to the total or partial separation of workers at the Plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of steel plate and pipe and tubing at the East Chicago, Ind. Plant of Youngstown Sheet and Tube Co. who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Administration and Planning.

[FR Doc.77-33391 Filed 11-17-77;8:45 am]

[4510-26]

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, continued under Executive Order 11807 of September 28, 1974 (39 FR 35559), Occupational Safety and Health Programs for Federal Employees, will meet on December 13, starting at 9:30 a.m., in room 54215 ABC, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Reappointments.
II. Election of Vice Chairman.
III. Committee Status Reports:
A. Standing Committee on Safety and Health Awards—Revised criteria for President's Safety Award.
B. Ad Hoc Committee on Federal Safety and Health Staffing Guide.
C. Subcommittee appointed to review EPA Proposed Program to Reduce Occupational Noise Exposure in the Federal Workplace.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business December 12, 1977, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business December 9, 1977. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Mr. Walter J. Mason, Executive Director, FACOSH, Department of Labor, OSHA, First Floor South, 2100 M Street NW., Washington, D.C. 20210, telephone: 202-653-5500.

Signed at Washington, D.C. this 9th day of November 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-33380 Filed 11-17-77;8:45 am]

[4510-29]
[4830-01]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Application No. D-161]

BETHEL CLINIC EMPLOYEES PROFIT SHARING PLAN AND TRUST

Notice of Pendency of Proposed Exemption

AGENCIES: Department of Labor; Department of the Treasury/Internal Revenue Service.

ACTION: Proposed exemption.

SUMMARY: This proposed exemption would exempt from the prohibited transaction provisions of sections 406(a), 406(b)(1) and (2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1)(A) through (E) of the Code, a transaction involving the leasing of personal and real property by the employer, Bethel Clinic (Bethel) from the Bethel Clinic Employees' Profit Sharing Plan and Trust (the Trust).

DATES: Written comments and requests for a public hearing must be received by the Department of Labor (the Department) on or before December 23, 1977

ADDRESS: All written comments and all requests for a hearing (preferably six copies) should be addressed to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Exemption Application No. D-161. The application for exemption and all comments relating thereto will be available for public inspection at the Public Documents Room of Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Mr. C. E. Beaver, Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, 202-523-8881. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department and the Internal Revenue Service (the Service) (collectively, the Agencies) of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (2) and 407(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code. The pending exemption was requested in an application filed by the Fourth National Bank and Trust Company of Wichita, Kansas (the Trustee) pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722. The application requests an exemption for the leasing of personal and real property by the employer, Bethel, from the Trust.

Summary of Facts and Representations. The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application on file with the Department and the Service for the complete representations of the Trustee.

Bethel, an unincorporated association which was organized on October 1, 1956, is owned by nine physicians and operates a medical clinic. Its staff includes 11 physicians, who practice in various medical and surgical fields, and 45 nurses and administrative personnel. According to unaudited balance sheets, as of December 31, 1974, Bethel had total assets of $879,755.81 of which $790,451.99 were in accounts receivable. On December 31, 1975, Bethel had total assets of $425,361.36 of which $336,620.62 were in receivables. The difference in the total assets between the two years reflects a change in accounting technique whereby a reserve was established in 1975 in the amount of $403,837.73 for doubtful accounts. The total liabilities for Bethel on December 31, 1974, were $53,179.54 and on December 31, 1975, were $33,878.09. As of December 31, 1976, Bethel had total assets of $400,388.08 and total liabilities of $78,317.64.

The Trust, created on December 21, 1958, is a qualified employees' profit sharing plan. As of June 30, 1977, the Trust's assets, consisting solely of stocks, bonds, other securities and cash, were valued at $566,196.12. Bethel's annual contributions to the Trust in 1971 through 1974 have increased from $80,-

018 to $100,288 per year. In 1970, under a lower contribution formula, the contributions were $36,660.

Pine Street is a corporation whose only business is the ownership of the medical clinic facility which it leases to Bethel. Pine Street also owns certain furniture, fixtures and equipment which it leases to Bethel.

Two of the nine owners of shares in Bethel are also stockholders of Pine Street. In the aggregate, these two physicians own 26⅔ percent of Pine Street and 23 percent of Bethel. One of these two physicians is a director of Pine Street and is a member of the Trust's administrative committee. In addition, another Pine Street shareholder and director serves on the Trust's administrative committee.

At the information of Bethel, it was anticipated that Pine Street would own the clinic facility and that each associate of Bethel would also be a stockholder of Pine Street. However, the value of the Pine Street facilities appreciated over the years, increasing the cost of the shares. New associates entering the practice have been unwilling to commit the cash necessary to buy Pine Street stock. Only two of the nine owners of Bethel are stockholders of Pine Street, and disagreements have arisen over such matters as rent, maintenance, and improvements.

In May 1975, the President of Pine Street notified the Trustee that the clinic was available for purchase. The Trustee then submitted a written offer to purchase.

The Trust proposes to purchase the clinic facility from Pine Street for $407,100. The clinic was appraised in 1975 at $460,000 and again in 1976 at $472,000. This latter appraisal was done by an individual who has been in the real estate title business since 1939. He is familiar with a majority of the real estate transactions in the city and county where the clinic is located. The appraiser has represented that he has no personal interest in the property, no connection with Pine Street, no interest in, or connection with Bethel, the Trust, or the Trustee. The appraisal states that in a 10 to 15 year net net lease agreement, a rental could be secured which would pay the owner of the clinic property a net return of 10 percent on the $472,000 appraised value.

The details of the purchase transaction follow. The Trust will execute a promissory note to Pine Street in the amount of Pine Street's equity in the property, which was $304,225.62 as of July 1977. The note will bear interest at 6 percent on the unpaid balance and will be amortized in 144 equal monthly installments. The Trust will purchase the property subject to, but will not assume, an existing encumbrance which was $78,654.38 as of July 1977. The existing encumbrance matures in 1992, bears interest at 7½ percent, has equal monthly payments of $725.40 and permits prepayment of up to $10,000.00 per year without penalty. Finally, a local bank is committed to loan Pine Street the balance which was $24,220.00 as of July 1977. This will be a non-recourse loan, will bear interest at 9 percent, and will be amortized in 144 equal monthly installments of $275.62.

Upon the Trust's acquisition of the clinic facility, Bethel is prepared to enter into a 12 year lease of the same at a monthly rental of $4500. The lease would be on a net net basis, with Bethel paying all costs relating to the clinic property, such as maintenance, utilities, taxes and insurance. The rental amounts to 11 to 12 percent net net annual return on the appraised value of the clinic property. In the event of default by Bethel on its lease payments the Trust could, in its sole discretion, either (A) sell the premises and pay off the purchase obligations, (B) relet the premises and continue amortization of the purchase obligations, or (C) void the lease, return the premises to the seller, and walk away from the unpaid balance of the purchase obligations with no personal liability against it.

The purchase obligations are fully amortizable out of the lease rentals and no current or future employer contributions will be needed for that purpose. Furthermore, the lease rentals will be sufficient to also pay the Trust's unrelated debt-financed income tax liability under section 514 of the Code.

Notice of the pending exemption as published in the FEDERAL REGISTER will be mailed to all present participants and beneficiaries and all other interested persons. Such notice will include a copy of the notice of the pendency of the exemption as published in the FEDERAL REGISTER and will be postmarked no later than fifteen days following the notice of such publication in the FEDERAL REGISTER. Such notice will also be posted on appropriate employee bulletin boards within such fifteen day period.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act or section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction. Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, the Agencies are required to offer an opportunity for a public hearing where a pending exemption relates to section 406(b) of the Act or section 4975(c)(1)(E) or (F) of the Code. Any interested person may submit a written request that a hearing be held relating to the requested exemption. Such a written request must be received by the Department on or before the date given above, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending exemption. All interested persons also are invited to submit written comments on the pending exemption set forth herein. In order to receive consideration, such comments must be received by the Department on or before the date given above. The application for exemption referred to herein and all comments relating thereto will be available for public inspection at the addresses shown above.

Pending Exemption. Based on the representations set forth in the application, the Agencies are considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (2) and 407(a) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the transaction described herein in which the Trust will lease personal and real property to Bethel.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 16th day of November, 1977.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs. Labor Management Services Administration, U.S. Department of Labor.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc.77-33528 Filed 11-17-77;10:19 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Hearing

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice describes the purpose of a forthcoming hearing on policies and procedures relating to extending the resources of postsecondary education institutions to address problems of States and communities, and provide continuing education activities to adult learners. It also describes the functions of the Council. This document notifies the public of the opportunity to participate.

DATE: Meeting: December 14, 1977, from 9 a.m. to 1 p.m.

ADDRESS: Institute of Texan Cultures, Hemisfair Plaza, San Antonio, Tex. 78205.

FOR FURTHER INFORMATION CONTACT:

Jessie K. Ulin, Director of Research and Evaluation, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street NW., Suite 529, Washington, D.C. 20004, telephone: 202-376-8888; or

Wilbur Hurt, Director of Community Services, Coordinating Board, Texas College and University System, Austin, Tex. 78711, telephone: 512-475-3413.

The National Advisory Council on Extension and Continuing Education was established by Title I of the Higher Education Act of 1965 (Pub. 89-329) to advise the President, the Congress, the Secretary of Health, Education, and Welfare, and the Commissioner of Education on policies and procedural matters relating to extension, continuing education and community service programs.

The Council is specifically charged with reporting annually to the President and the Congress on its findings and recommendations for changes in Federal laws and regulations to improve the effectiveness of Federal support for extension, continuing education, and community service programs. This year, the Council's annual report will include a description of the administrative structures and procedures developed by States and institutions to provide continuing education and community problem-solving activities.

The Council considers it to be particularly important to hear the views and concerns of State and local government officials, representatives of public and private community groups and organizations, and the general public. In order to provide an opportunity for presentation and discussion of issues, the Council has scheduled the first of three open hearings. Notice of the dates and sites of subsequent hearings will be published in future issues of the FEDERAL REGISTER.

The Council is interested in a discussion of the following topics but encourages witnesses to direct their presentations to any other issues related to the delivery of continuing education or community service activities.

1. the proper roles and interrelationships of the Federal Government, the States, postsecondary education institutions, and communities in bringing the resources of postsecondary education institutions to address community problems and/or to serve the continuing education needs of adult learners;

2. the ways in which the administration of the community service and continuing education program has enabled States, community groups and organizations, and learners to achieve their goals;

3. the ways in which the administration of the community service and continuing education program might be altered to better accomplish the goals of States, institutions, community organizations and groups, and individuals;

4. the ways in which the priorities and objectives of Federal, State, and institutional community service and continuing education programs are, or should be, arrived at.

Background materials are available upon request. Those interested in testifying personally, in submitting written statements, or in attending the meeting should contact: Mrs. Jessie K. Ulin, Director of Research and Evaluation, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street NW., Suite 529, Washington, D.C. 20004, telephone: 202-376-8888, or Wilbur Hurt, Director of Community Services, Coordinating Board, Texas College and University System, Austin, Tex. 78711, telephone: 512-475-3413.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street NW., Washington, D.C.

Dated: November 10, 1977.

JAMES A. TURMAN,
Executive Director.

[FR Doc.77-33302 Filed 11-17-77;8:45 am]

[4110-02]

MEETING

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Extension and Continuing Education and its two standing committees. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATE: Meeting, December 14-16, 1977.

ADDRESS: Hotel Hilton Palacio Del Rio, 200 South Alamo Street, San Antonio, Tex.

FOR FURTHER INFORMATION CONTACT:

James A. Turman, Executive Director, National Advisory Council on Extension and Continuing Education, 425 13th Street NW., Suite 529, Washington, D.C. 20004, telephone: 202-376-8888.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA) including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all federally supported extension and continuing education programs.

The meeting of the Council will be open to the public beginning on December 14, 1977, at 2:30 p.m. until 5 p.m.; on December 15, from 8:45 a.m. until 12 noon; and on December 16, from 8:45 a.m. ending at 12 noon.

The agenda for the meeting will include the following items:

(1) Review of Federal education policies and their relevance to postsecondary continuing education;

(2) Review of the Council's draft Compendium of Federal Programs of Continuing Education and Lifelong Learning;

(3) Status report on the Council's study of Title I administrative practices;

(4) On-site visit to the Community College of the Air Force, Lackland Air Force Base, to learn more about the Defense Department's unique system of delivering services to a highly mobile population of adult learners;

(5) Administrative and related issues.

The two standing committees of the Council will meet separately on Wednesday, December 14, 1977, from 9 a.m. to 1 p.m., prior to the full Council meeting which begins at 2:30 p.m.

The Continuing Education Policy Committee will meet to discuss the draft and tentative findings resulting from completion of the first part of the Council's Study of Continuing Education and Lifelong Learning. The draft will deal exclusively with an identification and analysis of the Federal Government's support of postsecondary continuing education activities for adults with the cooperation of the Nation's colleges and universities.

The Title I Committee will hold hearings at the Institute of Texan Cultures Auditorium, HemisFair Plaza, which is located directly across from the Hilton Hotel. The agenda and topics for discussion appear in a separate notice in the Federal Register.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th Street NW., Washington, D.C.

Dated: November 10, 1977.

JAMES A. TURMAN,
Executive Director.

[FR Doc.77-33303 Filed 11-17-77;8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

EDUCATION PROGRAMS PANEL

Meeting

NOVEMBER 14, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Education Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 807, from 9 a.m. to 5:30 p.m. on December 14 and 15, 1977.

The purpose of the meeting is to review Higher Education Project applications submitted to the National Endowment for the Humanities for projects beginning after April 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, date August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN MCCLEARY,
Advisory Committee Management Officer.

[FR Doc.77-33343 Filed 11-17-77;8:45 am]

[7536-01]

EDUCATION PROGRAMS PANEL

Meeting

NOVEMBER 14, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Education Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 807, from 9 a.m. to 5:30 p.m. on December 12 and 13, 1977.

The purpose of the meeting is to review Elementary and Secondary Education Projects applications submitted to the National Endowment for the Humanities for projects beginning after April 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN MCCLEARY,
Advisory Committee Management Officer.

[FR Doc.77-33344 Filed 11-17-77;8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM 50-22]

PUBLIC INTEREST RESEARCH GROUP, ET AL.

Second Extension of Comment Period

On August 8, 1977 the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 40063) a notice that a petition for rule making had been filed with the Commission by the Public Interest Research Group (PIRG), Community Action Research Group (CARG), Critical Mass Energy Project, Environmental Action, Inc., and New York Public Interest Research Group (NYPIRG. By letter of October 7, 1977 Mr. John Abbotts of the Public Interest Research Group indicated that the following groups have requested participation as co-petitioners: Arizonans for Safe Energy, Citizens United Against Radioactive Environment (CURE), Environmental Action Foundation, New Mexico Public Interest Research Group (NMPIRG), North Anna Environmental Coalition, and Texas Public Interest Research Group (TexPIRG).

The petitioners requested the Commission to initiate rule making to promulgate regulations for nuclear power plant decommissioning which would require plant operators to post bonds, to be held in escrow, prior to each plant's operation, to insure that funds will be available for proper and adequate isolation of radioactive material upon each plant's decommissioning. The petitioners stated that the regulations should also require that nuclear power plants already in operation establish plans and immediately post bonds, to be held in escrow, to insure proper decommissioning.

In response to a request from LeBoeuf, Lamb, Leiby and MacRae, the Commission extended the time for submitting comments to November 4, 1977 (42 FR 55506).

Several comments received by the Commission on the petition have expressed the view that state utility rate commissions are the appropriate authorities for considering and resolving such matters as decommissioning financing. In order for the Commission to further obtain information concerning the role of state utility rate commissions in the matter of decommission financing, comments and views are being requested from these authorities. Therefore, the Commission is again extending the time for submitting written comments or suggestions concerning the petition for rulemaking. The comment period is hereby extended to January 3, 1978. Any written submissions should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Copies of the petition and the comments may be inspected in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 14th day of November 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-33234 Filed 11-17-77;8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE D. C. COOK NUCLEAR PLANT

Meeting

The ACRS Subcommittee on the D. C. Cook Nuclear Plant will hold a meeting on December 3, 1977 at the Holiday Inn, 100 Main Street, St. Joseph, MI 49085 to review the application of the Indiana and Michigan Power Company for a permit to operate Unit No. 2.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff.

The agenda for subject meeting shall be as follows:

Saturday, December 3, 1977. 8:30 a.m. until the conclusion of business (Open). The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Indiana and Michigan Power Company, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Gary Quittschreiber (telephone 202/634-1374) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085.

Dated: November 15, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-33424 Filed 11-17-77;8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF ENERGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Energy.

DATE: December 5-6, 1977.

TIME: 9:00 a.m. to 4:00 p.m.

PLACE: Room 10103, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. William J. Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOE is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9:00 a.m. to 4:00 p.m. Planning meeting to discuss detailed objectives of the study, methods of approach, and work schedule and assignments.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc.77-33315 Filed 11-17-77;8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14087; File No. SR-BSECC-77-1]

BOSTON STOCK EXCHANGE CLEARING CORP.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 7, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS AND SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change changes certain of the fees which the self-regulatory organization charges for its securities clearance service. The amended fee schedule is attached hereto as Exhibit No. 1.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to raise the fees for the securities clearance service in such a manner as to enable such service to be operated in a break-even or profitable manner.

The proposed rule change relates to the capacity of Boston Stock Exchange Clearing Corp. to facilitate the prompt and accurate clearance and settlement of securities transactions by enabling it to carry on its functions in a profitable manner.

No comments have been or are to be solicited from members or participants. Comments received from members and prospective members indicated that the raised fees are very competitive and necessary to enable Boston Stock Exchange Clearing Corp. to carry on its functions.

Boston Stock Exchange Clearing Corp. believes that no burden on competition will be imposed by the proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary

of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 9, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1977.

EXHIBIT No 1.—*Schedule of charges, $3,000 good faith deposit, $25 per month membership fee*

Sells to—		Buys from—	
New England OTC Member			
Boston member	$0.55/item	Boston member	(1).
New York members member pick up.	$5/day and 0.55/item*	New York member	(1).
New York nonmember, includes delivery.	$5/broker and 0.55/item*	New York nonmember	$5/broker and $2/item.**
Boston nonmember picks up	$2/broker and 0.55 item	Boston nonmember delivers	$2/item.
Boston nonmember messenger required.	$5 and $0.55/item	Boston nonmember, messenger required.	$5 and $2/item.
Major nonmember Boston bank.	$0.55/item	Incoming drafts for OTC members.	$0.80/item.[3]
		Major nonmember Boston bank.	Do.[3]
New York OTC Member Through New York Facility			
Boston member	$5/day and 0.55 item**	Boston member	(1).
Boston nonmember picks up	$2/item and $5/day**	Boston nonmember delivers	$2/item and $5/day.*
Boston nonmember, messenger required.	$5/item and $5/day**	Boston nonmember, mesenger required.	$5/item and $5/day.*

*Boston-New York Transporation additional, 2½¢/thousand dollar value +10¢/oz.[3]
**New York-Boston Transportation additional, 2¢/thousand dollar value +5¢/oz.

Reclamation	$3/reclamation.[4]
DTC	$2/delivery.
Transfer	$2.50/item transferred.
	$5/legal item transferred.
Messenger service	$5/delivery to members when required.
Miscellaneous	Charges at cost to members—drafts, interest, postage, etc
Correction charge	Plus 25¢.[5]

Boston-New York sells payment, 2-day delay.
Member means member of the Boston Stock Exchange.

BOSTON STOCK EXCHANGE CLEARING CORPORATION

SCS CLEARING SERVICE

(Formerly known as OTC Clearing Service)

Proposed fee change

[1] Fees charged to an SCS participant on the buy side of a transaction is increased from no-charge to 55¢/item.
[2] Fee charged to an SCS participant on the buy side of a transaction from a major non-member Boston bank or received via security draft is increased from 80¢/item to $1.60/item. (NOTE.—the fee for this service consists of a ticket preparation/correction charge (50¢) and both the buyer and seller transaction charges; (55¢+55¢).)
[3] Fee for Boston-New York transportation decreased from 2½¢/thousand dollar value and 10¢/oz. to 2½¢/thousand dollar value and 8¢/oz.
[4] Fee for reclamation is changed from $3 per reclamation to 80¢ for an equity reclamation, $1.50 for a registered bond reclamation and $2 for a coupon bond reclamation.
[5] Fee for a ticket preparation/correction to an SCS participant is increased from 25¢ to 50¢ per ticket prepared/corrected.

NOTE.—BSECC did not include fees for coupon and registered bond transactions on the fee schedule as clearance of these items is performed on a limited basis. The fee to an SCS participant on the sell side of registered and coupon bond transactions is $1.25 and $2 respectively. Under the proposed fee schedule the fee to an SCS participant on the buy side of registered and coupon bond transactions is $1.25 and $2 respectively.

[FR Doc.77-33316 Filed 11-17-77;8:45 am]

[8010-01]

[File No. 24D-3462; Administrative Proceeding No. 3-5273]

EMER-GO CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

NOVEMBER 8, 1977.

I

In the matter of Emer-Go Corp., Box 704, Huntington, N.Y. 11743; File No. 24D-3462, Securities Act of 1933, Section (b) and Regulation A.

Emer-Go Corp. ("Issuer"), a New Mexico corporation with offices located in Huntington, New York, filed with the Denver Regional Office of the Securities and Exchange Commission on July 1, 1976 a notification, offering circular, and related exhibits related to a proposed offering of 100,000 shares of 1 cent par value Class B common stock at $3.00 per share on a "best efforts, 40 percent or none" basis for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof and Regulation A promulgated thereunder. The issuer is to act as its own underwriter. Amendments to the notification have been filed but no commencement date for the offering has yet been established.

II

The Commission has reasonable cause to believe, from information reported to it by the staff, that:

A. The Notification, offering circular and sales literature filed by Emer-Go contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to highlight in the Risk Factor section of Emer-Go's offering circular certain significant material facts concerning management's limited managerial and technical abilities; the possible adverse impact on an analysis of potential markets of management's limited experience in marketing; the possible adverse impact on future profits of royalty payments required to be made to a predecessor, affiliate and controlling person; and the fact that Emer-Go has not employed an accountant to prepare and keep its books and records.

2. The failure to comply with generally accepted accounting principles and practices, as follows:

(a) The capitalization of certain items as "Inventories (in process)" under "Current Assets" on the issuer's Balance Sheet which should have been written off as expenses;

(b) The capitalization of certain items as "Inventories (in process)" under "Current Assets" on the issuer's Balance Sheet which should have been carried as "Fixed" or "Other" assets;

(c) The improper treatment on Emer-Go's Balance Sheet of certain patent amortization costs which are properly treated on the Income Statement as expenses, resulting in the overstatement by $600,000 of Emer-Go's total assets and shareholders' equity on the Balance Sheet and an inconsistency between those two statements;

(d) The improper capitalization as "Deferred Asset Cost" of the estimated costs of the proposed offering, when such costs have not get been incured, resulting in the overstatement by an additional $36,000 of the issuer's total asets and shareholders' equity on its Balance Sheet;

(e) The failure to reconcile with Emer-Go's Balance Sheet a statement in a footnote to the Balance Sheet that the issuer has total assets and total liabilities and shareholders' equity in an amount which exceeds by $886,000 the amounts set forth under corresponding captions on the Balance Sheet;

(f) The failure to reconcile the "Non-Cash Considerations" of $107,633 set forth in a note to the Balance Sheet with any item on the asset side of the Balance Sheet; and

(g) The failure to furnish certain financial statements required by Item 11 of Schedule I of Form 1–A under Regulation A.

3. The failure to set forth what provisions, if any, have been made for the return of funds to subscribers in the event of an unsuccessful offering, as required by Item 6(b) of Schedule I of Form 1–A under Regulation A.

B. By omitting and misrepresenting certain material facts, Emer-Go has failed to comply with the terms and conditions of Regulation A.

C. By refusing to remedy deficiencies in its filing which were pointed out by the staff, Emer-Go has failed to cooperate with the Commission in connection with its proposed offering.

D. The offering, if made, would be in violation of Section 17(a) of the Securities Act of 1933, as amended.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty (30) days of the entry thereof.

Notice is hereby given That any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty (30) days after the entry of this order; that within twenty (20) days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-33317 Filed 11-17-77;8:45 am]

[8010-01]

[Release No. 34-14160; File No. SR-MSE-77-39]

MIDWEST STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

ADDITIONS ITALICIZED—[DELETIONS BRACKETED]

ARTICLE XL

RESTRICTION OF OUT-OF-THE-MONEY-OPTIONS

Rule 7 (a) through (c). No change in text. Intrepretations and Policies:

.01 No change in text.

.02 If the two tests in clauses (1) and (ii) with respect to calls and in clauses (1) and (2) with respect to puts of paragraph (a) are met at the close on a particular day, paragraph (a) applies to orders after the close on such day. *However, with regard to an option contract traded on the Exchange which has otherwise met the tests of the previous sentence, the prohibitions of (a) will not apply to transactions on the Exchange provided such option is traded on another participating exchange and further provided a transaction has occurred on the last previous day on another such exchange when the closing price of such option does not meet the test of clause (ii) with respect to calls or clause (2) with respect to puts.*

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

With the advent of dual listings in exchange traded options the following situation could exist: the exercise price of a dually listed call option could be more than $5.00 above the price of the underlying stock; however, the price of the option could close at .50 per share (½) on one exchange but less than that price on another exchange. As a result, opening transactions would be restricted on the latter exchange but not on the former exchange.

Although the restricted option rules as adopted by each of the options exchanges provide that an exchange may make exceptions with respect to one or more option series when it is in the public interest to do, the Midwest Stock Exchange believes it is advisable to amend its rule to provide for uniformity among the exchanges in respect to restricted options.

Accordingly, the purpose of the proposed rule change is to provide that, in the case of dually listed options only, the exchange will not impose a restriction on an option series unless the conditions giving rise to such restriction exists on all exchanges that trade such options series.

The amendment to Rule 7 of Article XL is authorized by Section 6(b) of the Securities Exchange Act of 1934 (the "1934 Act") and the Midwest Stock Exchange believes that such amendment will serve to promote just and equitable principles of trade and to protect investors in dually traded exchange option contracts.

No comments were solicited or received.

The Midwest Stock Exchange, Inc. has determined that the proposed amendment will not impose any burden on competition.

On or before December 23, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 19, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 10, 1977.

[FR Doc. 77-33318 Filed 11-17-77; 8:45 am]

[8010-01]

[Release No. 34-14165; File No. SR-MSRB-77-17]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 9, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change filed by the Municipal Securities Rulemaking Board (the "Board") amends rule A-4(d) to permit Board action to be taken on matters, other than on proposed rules or proposed amendments to rules, by telephone poll of all members of the Board, provided that the Board, at a meeting, or the chairman of the Board authorizes the action to be taken by such means.

The text of the proposed rule change follows.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to provide a means for the Board to take action on matters, other than proposed rules or amendments to rules, requiring immediate action when it is not possible or practical to convene a special Board meeting or to obtain on a timely basis the written consent of all Board members.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(I) of the Securities Exchange Act of 1934, as amended (the "Act"), which authorizes the Board to adopt rules providing for the operation and administration of the Board.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been solicited or received on the proposed rule change.

BURDEN ON COMPETITION

The Board has determined that the proposed rule change does not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, [1]100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and and should be submitted on or before December 8, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 11, 1977.

Rule A-4(d) *Action Without a Meeting.*[1] Action by the Board, other than action on proposed rules *or proposed amendments to rules* of the Board, may be taken without a meeting by written consent signed by all members of the Board setting forth the action so taken[.] *or by telephone poll of all members of the Board, provided that, in the case of action taken by telephone poll, the Board, at a meeting, or the chairman of the Board authorizes the action to be taken by such means. Any action taken by telephone poll shall be confirmed at the next Board meeting.*

[FR Doc.77-33319 Filed 11-17-77;8:45 am]

[1] Italics indicate additions; [brackets] indicate deletions.

[8010-01]

[Release No. 34-14163; File No. SR-OCC-77-13]

OPTIONS CLEARING CORP.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 11, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would permit the Options Clearing Corporation to deem as admitted charges against its members which remain unanswered by such members after two notices in the course of disciplinary procedures.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to Rule 1202 is to enable OCC to more effectively enforce disciplinary proceedings against members.

When OCC determines to discipline a member for failure to comply with OCC's By-Laws, Rules or procedures, certain steps must be taken as required by the Securities Acts Amendments of 1975 to provide the person against whom the sanction is sought to be imposed ("Respondent") with due process before the sanction becomes final. OCC is required to give the Respondent notice of the disciplinary action and fifteen business days to reply, after which a hearing must be held. Rule 1202 in its unchanged form provided for these procedures.

Respondents who have been fined have frequently failed to respond to OCC's notice or request to answer to charges brought against them. Since OCC is not permitted to enforce a sanction until the Respondent has either admitted the charges or been given a hearing, Respondents have been able to effectively avoid sanctions by ignoring OCC's notices. The amendment to Rule 1202 permits OCC to send out a final request for answer to a Respondent who has failed to respond to OCC's initial notice. Under the amended procedures, if the Respondent fails to respond to the final request for answer, all charges against the Respondent are deemed to be admitted and OCC is entitled to collect the fine without further action on the part of OCC.

The proposed rule change improves the capacity of the Options Clearing Corporation to enforce compliance by its members with its rules.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

On or before December 23, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change; or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 9, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 10, 1977.

[FR Doc.77-33290 Filed 11-17-77;8:45 am]

[8010-01]

[Release No. 34-14161; File No. SR-PSE-77-33]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 25, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend

Rule IV, Section 66 by adding Commentary .03 as follows (italics indicate additions):

OBLIGATIONS FOR ORDERS

Sec. 66.

Commentary: .03 For purposes of this Rule, an order shall be deemed to be from a member if the order is placed with an Order Book Official by a person associated with a member, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Order Book Official's book or (ii) an order to sell at a price equal to or above the lowest offer in the Order Book Official's book. These conditions will not be applicable when a person associated with a member is placing a cancel/replace (CFO) with the Book.

It is the purpose of this interpretation to clarify that an Order Book Official may accept orders from persons associated with members, i.e. clerks, runners, or other associated persons, except when the order is one which improves the existing best bid or offer in the book, in which case, unless the order is a CFO, the direct involvement of a member will be required.

EXCHANGE'S SATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to delineate when Order Book Officials on the Options Floor may accept orders from persons associated with members.

Permitting Order Book Officials to accept orders from persons associated with members, in certain circumstances, will facilitate a fair and orderly market and protect investors and the public interest.

Comments were neither solicited nor received from members, participants or others on the proposed rule change.

The proposed rule change imposes no burdens on competition.

On or before December 23, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 19, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 10, 1977.

[FR Doc.77-33321 Filed 11-17-77;8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5120]

COMMERCIAL INVESTMENT RESOURCES, INC.

License Surrender

Notice is hereby given that Commercial Investment Resources, Inc. (Commercial), 19 West Oxmoor Rd., Birmingham, Ala. 35209 has surrendered its license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

Commercial was licensed by the Small Business Administration on November 11, 1975.

Under the authority vested by the Act and pursuant to 13 CFR 107.105 (1977), the surrender of Commercial's license is hereby approved. Accordingly, all rights, privileges, and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: November 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-33327 Filed 11-17-77;8:45 am]

[8025-01]

REGION V DETROIT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Region V Detroit Advisory Council will hold a public meeting at 9:00 a.m., Tuesday, December 13, 1977, with registration beginning at 8:30 a.m., at the Holiday Inn, East, 3333 28th Street, SE., Grand Rapids, Michigan, to discuss such business as may be presented by members, staff of the Small Business Administration, or others present. For further information call or write Raymond L. Harshman, District Director, U.S. Small Business Administration, 515 Patrick V. McNamara Building, 477 Michigan Ave., Detroit, Mich. 48226, (313) 226-7240.

Dated: November 9, 1977.

MS. K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc.77-33325 Filed 11-17-77;8:45 am]

[8025-01]

[License No. 04/04-5130]

SOUTHERN INVESTMENT FUNDING CORP., INC.

Issuance of a License To Operate as a Small Business Investment Company

On September 19, 1977, a notice was published in the FEDERAL REGISTER (42 FR 46967) stating that Southern Investment Funding Corporation, Inc., located at 300 W. Peachtree Rd., Atlanta, Ga., 30308, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1977) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business October 4, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 04/04-5130 to Southern Investment Funding Corporation, Inc. on October 26, 1977.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: November 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-33326 Filed 11-17-77;8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the 14th meeting of the Board for International Food and Agricultural Development on December 12, 1977.

The purpose of the meeting is to receive the reports of the Joint Committee on Agricultural Development and the Joint Research Committee; to review and act on the revised draft of the operational guidelines for the Joint Committee on Agricultural Development; to consult with A.I.D. on the substance of the Annual Report to Congress on Title XII activities; and to take actions on other prior Board matters, including a proposal to strengthen the capabilities of universities to participate in Title XII activities, a proposal to conduct baseline studies in selected developing countries, and other matters.

The meeting will begin at 9:00 a.m., adjourn at 4:30 p.m., and will be held in room 1107, State Department Building,

21st and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Ervin J. Long, Associate Assistant Administrator, Technical Assistance Bureau, A.I.D., is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703–235–2243.

Dated: November 14, 1977.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc.77–33314 Filed 11–17–77;8:45 am]

[4710–02]

JOINT COMMITTEE ON AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the fifth meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on December 13 and 14, 1977.

The purpose of this meeting is to receive a progress report from the work group on the Committee guidelines; to review the status of Title XII matching projects in Africa, Asia, Latin America and the Near East Regions; to receive a progress report on baseline studies, and to receive and act on the reports of the several committee work groups.

The meeting on December 13, 1977, will begin at 1:00 p.m. and adjourn at 4:30 p.m. and on December 14, 1977, will begin at 9:00 a.m. and adjourn at 4:30 p.m. Meetings on both days will be held at the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. The meeting room designation will be posted in the lobby of the Quality Inn on the day of the meeting. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher E. Riggs, Deputy to the Associate Assistant Administrator, Technical Assistance Bureau, is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703–235–9001.

Dated: November 14, 1977.

FLETCHER E. RIGGS,
A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc.77–33312 Filed 11–17–77;8:45 am]

[4710–02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the sixth meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on December 6 and 7, 1977.

The purpose of this meeting is to receive and discuss reports on the three planning contracts for Collaborative Research Support Program grants; to further define the parameters of a planning contract for a Collaborative Research Support Program in the effects of human nutritional deficiencies; and to hear a report by the working group on research prioritization, including a list of research priorities.

The meeting on December 6, 1977, will begin at 9:00 a.m. and adjourn at 4:30 p.m. and on December 7, 1977, will begin at 9:00 a.m. and adjourn at Noon. The meeting on both days will be held at the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. The meeting room designation will be posted in the lobby of the Quality Inn on the day of the meeting. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Charles E. French, Research Coordinator, Technical Assistance Bureau, is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703–235–9054.

Dated: November 14, 1977.

CHARLES E. FRENCH,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc.77–33313 Filed 11–17–77;8:45 am]

[4810–22]

DEPARTMENT OF THE TREASURY

[T.D. 77–273]

Customs Service

GENERALIZED SYSTEM OF PREFERENCES

Technical Atrazine

NOVEMBER 14, 1977.

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Decision with respect to an American manufacturer's petition.

SUMMARY: The Customs Service has reviewed a petition filed by an American manufacturer of chemicals requesting that the duty-free treatment currently afforded under the Generalized System of Preferences (GSP) to the chemical technical atrazine, manufactured in and imported from Israel, be withdrawn. The American manufacturer argues that the imported product does not meet the requirements for duty-free treatment under the GSP. Specifically, the question presented is whether the process used to manufacture technical atrazine in Israel results in the substantial transformation of imported raw materials into an intermediate constituent material which can be considered material produced in Israel for purposes of the GSP. The Customs Service has analyzed the process by which technical atrazine is manufactured in Israel and has concluded that the intermediate constituent material (dichloroisopropylamino s-triazine) is not marketed as such in its unrefined form and, therefore, cannot be considered a substantially-transformed constituent material produced in Israel for purposes of the GSP.

DATES: This decision will be effective with respect to merchandise entered or withdrawn for consumption on or after 30 days from the date of publication of this notice in the Customs Bulletin.

FOR FURTHER INFORMATION CONTACT:

Ronald W. Gerdes, Attorney, Classification and Value Division, Office of Regulations and Rulings, Headquarters, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202–566–5786.

SUPPLEMENTAL INFORMATION:

BACKGROUND

Title V of the Trade Act of 1974 (19 U.S.C. 2461–65), hereinafter referred to as "the Trade Act," authorized the President to establish a Generalized System of Preferences (GSP) which would permit the duty-free entry of eligible merchandise arriving directly from designated "beneficiary developing countries." Section 503(b) of the Trade Act (19 U.S.C. 2463(b)), relating to the requirements which must be met in order for eligible merchandise to receive duty-free treatment, authorized the Secretary of the Treasury to prescribe such regulations as may be necessary to carry

out the provisions of that subsection. These regulations have been prescribed and are found in section 10.171 through 10.178 of the Customs Regulations (19 CFR 10.171–178).

The primary purpose of the GSP is to further the economic development of certain developing countries by granting a tariff preference (duty-free treatment) to the importation of certain products of those countries. In order to qualify for duty-free treatment under the GSP, the imported article must be an "eligible article" and it must arrive directly from a designated "beneficiary developing country." The eligible merchandise must also meet certain other requirements, one of which is that—in the case of an article made in a single beneficiary developing country—not less than 35 percent of the appraised value of the article (as entered into the United States) must be attributable to (1) the cost or value of materials produced in that country, and (2) the direct cost of processing operations performed with respect to the article in that country. This requirement is found in section 503(b)(2)(A) of the Trade Act (19 U.S.C. 2463(b)(2)(A)) and in section 10.176(a) of the Customs Regulations (19 CFR 10.176(a)). In order to be "produced" in a beneficiary developing country, section 10.177(a) of the Customs Regulations (19 CFR 10.177(a) requires the constituent materials of which the imported article is composed to be either (1) wholly the growth, product, or manufacture of the beneficiary developing country, or (2) substantially transformed in the beneficiary developing country into a new and different article of commerce.

PETITION OF AMERICAN MANUFACTURER

On December 15, 1976, a notice was published in the FEDERAL REGISTER (41 FR 54828) indicating that the Customs Service had received a petition from an American manufacturer requesting that the duty-free treatment currently afforded under the GSP to technical atrazine imported from Israel be withdrawn. The American manufacturer alleged, in support of its request, that the technical atrazine imported from Israel fails to meet the 35 percent value-added requirement of the law and regulations.

Technical atrazine is classified under item 425.10 of the Tariff Schedules of the United States (TSUS), the provision for cyanuric chloride, melamine, and other compounds containing a triazine ring. Articles classified under item 425.10, TSUS, are among those currently designated by the President as "eligible articles" for purposes of the GSP. Israel is one of the countries which has been designated a "beneficiary developing country" for purposes of the GSP. The issue raised in the petition of the American manufacturer, then, is whether the required proportion (35 percent) of the appraised value of the technical atrazine, as imported into the United States, is attributable to constituent materials produced, or to processing operations performed, in Israel.

MANUFACTURE OF TECHNICAL ATRAZINE

Information furnished by the Israeli manufacturer indicates that technical atrazine is produced in two steps from four principal raw materials: cyanuric chloride (CC), isopropylamine (IPA), monoethylamine (MEA), and sodium hydroxide (caustic). In the first step, CC is reacted with IPA to create dichloroisopropylamino s-triazine (dichloro). Caustic is added during this step to ensure a complete reaction. In the second step, dichloro is reacted with MEA to create technical atrazine. This is also done in the presence of caustic to ensure a complete reaction.

Each of the four principal raw materials used in the production of technical atrazine, as just described, is imported into Israel. The direct costs of processing these materials into technical atrazine in Israel is alleged to be less than 35 percent of the appraised value of the technical atrazine as entered into the United States. The Israeli manufacturer contends, however, that the production of dichloro in the first step of the production of technical atrazine resulted in a substantial transformation of the CC and the IPA into a new and different article of commerce. If this contention is upheld, the dichloro would be considered a constituent material produced in Israel and its value would be included (together with the direct processing costs) in determining whether 35 percent of the appraised value of the technical atrazine, as entered into the United States, is attributable to the value of constituent materials produced, or to processing operations performed, in Israel.

SUBSTANTIALLY TRANSFORMED CONSTITUENT MATERIAL

The American manufacturer concedes that dichloro differs from its component materials—that is, that it has different chemical and physical properties than either CC or IPA. However, the American manufacturer contests the notion that the dichloro resulting in the first step of the production of technical atrazine, as described above, is a substantially transformed constituent material. In particular, the American manufacturer asserts that (1) the process used to manufacture the technical atrazine is essentially a continuous process, (2) dichloro is not a chemical that is generally bought and sold, and (3) the dichloro resulting in the first step of the Israeli manufacture of technical atrazine would have to be refined (the impurities removed) in order to make shipping practicable.

The Israeli manufacturer states that its method of producing technical atrazine is a "batch" process in which each step is done in a separate reaction vessel and further contends that, even though dichloro may not normally be bought and sold commercially, it is nevertheless capable of being bought and sold and such sales have occurred. In addition, the Israeli manufacturer points out that T.D. 76–100 (41 FR 14547), in explaining the requirements of the law and regulations with respect to substantially transformed constituent materials, requires that the transformation result in "new and different materials or articles of commerce" (emphasis added).

DETERMINATION

In relation to T.D. 76–100, it is our view that the words "of commerce" modify both the terms "materials" and "articles" and that in any event, ambiguity in this area is resolved by the clear language in section 10.177(a)(2) of the Customs Regulations. On the basis of the information supplied concerning the nature of the manufacturing process and in the absence of any evidence of a market for dichloro in the unrefined form, it is the opinion of the Customs Service that the dichloro is not a substantially transformed constituent material within the meaning of the law and regulations. Accordingly, the value of the dichloro cannot be included in the portion of the appraised value of the technical atrazine, as imported into the United States, which is attributable to constituent materials produced, or to processing operations performed, in Israel.

LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.77-33358 Filed 11-17-77;8:45 am]

[4830-01]

INTERNAL REVENUE SERVICE

[Delegation Order No. 156, Amdt. 3]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This Amendment permits the Assistant Commissioner (Data Services), Executive Assistant to the Assistant Commissioner (Data Services), Director, National Computer Center and Service Center Directors, to disclose individual master file information to the head of a Federal, State or local child support enforcement agency or an authorized supervisory official pursuant to a contractual arrangement between the Internal Revenue Service and such Federal, State or local child support enforcement agency, subject to the conditions prescribed in IRC 6103(l)(6). The text of the Amendment appears below.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Howard T. Martin, CP:D, 1111 Constitution Avenue NW., room 1603, Washington, D.C. 20224, telephone number 202–566–3908 (not toll free).

ARNOLD B. GORDON,
Assistant Director,
Disclosure Operations Division.

AUTHORITY TO PERMIT DISCLOSURE OF CERTAIN RETURN INFORMATION UNDER INTERNAL REVENUE CODE 6103(l)(6)

Date of issue: November 28, 1977.

Effective Date: November 28, 1977.

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–37, dated March 17, 1955, authority is hereby delegated as follows:

The Assistant Commissioner (Data Services), Executive Assistant to the Assistant Commissioner (Data Services), Director, National Computer Center, and Service Center Directors, are authorized to disclose individual master file information, as described in IRC 6103(l)(6)(A)(i), to the head of a Federal, State or local child support enforcement agency or an authorized supervisory official pursuant to a contractual arrangement between the Internal Revenue Service and such Federal, State or local child support enforcement agency subject to the conditions prescribed in IRC 6103(l)(6). This authority may not be redelegated.

This Amendment supplements paragraph 9(c) of Delegation Order No. 156. Delegation Order No. 156, issued May 19, 1976, is printed in the FEDERAL REGISTER dated May 21, 1976, Vol. 41, Number 100, Page 20898.

Dated: November 9, 1977.

JEROME KURTZ,
Commissioner.

[FR Doc.77-33360 Filed 11-17-77;8:45 am]

[4810-25]

Office of the Secretary

PARTICIPATION IN OR COOPERATION WITH AN INTERNATIONAL BOYCOTT

Announcement of Revised Effective Dates of Certain Boycott Guidelines

On November 8, 1977 the Secretary of the Treasury announced that in the case of operations carried out in accordance with the terms of a binding contract entered into before the effective date of final boycott guidelines, answers H–8 and H–29 of the boycott guidelines published in the FEDERAL REGISTER on August 17, 1977 will not be effective until after June 30, 1978.

Final boycott guidelines will be published as soon as practicable and will become effective at a specified date but in no event later than January 19, 1978.

Dated: November 14, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary for Tax Policy.

[FR Doc.77-33328 Filed 11-17-77;8:45 am]

[6820-27]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT, 1976

Direct and Affiliated Medical Residency Program Data Section 771(b)(2)

NOTE.—Due to an editorial oversight, this document originally appeared at page 59421, in the FEDERAL REGISTER for Thursday, November 17, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

Section 771(b)(2) of the Public Health Services Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94–484), requires that schools of medicine, to establish eligibility, in part, for participation in the Health Porfessions Capitation Grant Program, have a specified minimum percentage of all filled first-year residencies in direct and affiliated medical residency training programs in primary care. Primary care is defined in section 771(b) as family practice, general internal medicine, and general pediatrics. The authorizing legislation requires the following percentages of the filled first-year residencies in primary care: 35 percent on July 15, 1977, 40 percent on July 15, 1978, and 50 percent on July 15, 1979. These percentages are to be computed nationally. If the percentages specified are not met at a national level, a school-by-school determination will be necessary.

DETERMINATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Based on the information provided by medical schools as of August 29, 1977, the Department of Health, Education, and Welfare has determined that 52.8 percent of all filled first year- positions in direct and affiliated medical residency training programs were in primary care as of July 15, 1977, and that the required 35 percent has thereby been met and exceeded for the fiscal year 1978 capitation grants to schools of medicine.

METHODOLOGY AND DEFINITIONS FOR ESTABLISHING THE PERCENTAGES

Program guidelines, instructions, and response forms on the capitation program were designed by the Health Resources Administration, Department of Health, Education, and Welfare and forwarded to all medical schools.

For the purpose of section 771(b)(2), only medical residency training programs approved by the Liaison Committee on Graduate Medical Education (LCGME) were recognized in the count The specialties included are:

1. Allergy and Immunology
2. Anesthesiology
3. Colon and Rectal Surgery
4. Dermatology
5. Family Practice
6. General Surgery
7. Internal Medicine
8. Neurological Surgery
9. Neurology
10. Nuclear Medicine
11. Obstetrics and Gynecology
12. Ophthalmology
13. Orthopedic Surgery
14. Otolaryngology
15. Pathology
16. Pediatrics
17. Physical Medicine and Rehabilitation
18. Plastic Surgery
19. Preventive Medicine
20. Psychiatry
21. Radiology
22. Thoracic Surgery
23. Urology

Each school of medicine was asked to provide the following information:

1. The number of direct and affiliated medical residency training programs of the school.

2. The number, on July 15, 1977, of full-time and full-time equivalent residents in first-year positions in the primary care specialties of family practice, internal medicine, and pediatrics. Shared-schedule or less than full-time equivalent residency positions were counted as fractional positions rounded to the nearest one-tenth of a full-time equivalent position, based on the proportion of total benefits received by the incumbent of the position.

3. The number of full-time and full-time equivalent residents in first-year positions in the primary care specialties of family practice, internal medicine, and pediatrics on July 15, 1976, who were not in any direct or affiliated primary care medical residency training program of any school on July 15, 1977.

4. The number of filled first-year residency positions in all direct and affiliated medical residency training programs on July 15, 1977.

5. The number of first-year positions in the following types of medical residency training programs:

(a) Categorical first-year program. (A first-year program which is planned, sponsored, and conducted by a single accredited medical residency training program as part of that residency. The content of the first year is limited to the specialty field of the sponsoring residency program.)

(b) "Categorical"[1] first-year program. (A first-year medical residency training program which is planned, sponsored, and supervised by a single, accredited residency program as part of that residency. The content of the first year is not limited to a single specialty.)

(c) Flexible first-year program. (A first-year medical residency training program which is sponsored by two or more accredited residency programs and jointly planned and supervised by the residency programs that sponsor them.)

The formula for computing the percentages is as follows:

$$\frac{\text{Filled First-Year Primary Care Residency Positions}}{\text{Total Number of First-Year Residents}} \times 100 = \text{Percentage in Primary Care.}$$

The numerator of the fraction, Filled First-Year Primary Care Residency Positions, was determined by first summing all full-time and full-time equivalent, categorical, and "categorical[1]" first-year positions in family practice, internal medicine, and pediatrics and all filled flexible positions sponsored exclusively by family practice, internal medicine, and/or pediatrics on July 15, 1977; from this sum was subtracted the number of residents who, on July 15, 1976, had been in first-year primary care positions and no longer were in any such program on July 15, 1977.

The denominator of the fraction, Total Number of (full-time and full-time

[1] The term, "Categorical," was adopted by the LCGME and is in general use.

equivalent) First-Year Residents includes:

1. All positions in categorical and "categorical*" first-year programs in family practice, internal medicine, pediatrics, obstetrics-gynecology, pathology, and general surgery;

2. All positioos in flexible first-year programs, regardless of the speciality of sponsoring residency programs; and,

3. All positions filled by residents in medical residency training programs sponsored by specialties other than those identified in 1. above, and who were in their first year of graduate medical education.

Dated: November 10, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-33199 Filed 11-17-77;8:45 am]

[6820-27]

GRANTS FOR THE TRAINING OF U.S. CITIZEN FOREIGN MEDICAL STUDENTS

Application Announcement

NOTE.—Due to an editorial oversight, this document originally appeared at page 59420, in the FEDERAL REGISTER for Thursday, November 17, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 grants for the Training of U.S. citizen Foreign Medical Students are now being accepted under the authority of section 782 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 782 provides for grants to public or nonprofit private accredited schools of medicine and osteopathy to plan, develop, and operate training programs for U.S. citizens who were students in foreign medical schools before October 12, 1976 (1) to enable them to meet the requirements of enrolling in schools of medicine or osteopathy in the States as full-time students with advanced standing; or (2) to train such students who have transferred from foreign medical schools and have enrolled in schools of medicine or osteopathy in the States as full-time students with advanced standing. Interim-Final regulations governing section 782 were published in the FEDERAL REGISTER on September 16, 1977 (42 FR 46529). The public has until November 15, 1977 to comment on these regulations.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, HRA, Center Building, Room 4-22, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6564.

To be considered for fiscal year 1978 funding, applications must be received by the Grants Management Officer, BHM, HRA, at the above address no *later than December 7, 1977.*

Should additional programmatic information be required, please contact:

International Education Programs Branch, Division of Medicine, Bureau of Health Manpower, HRA, Center Building, Room 4-50, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6569.

Dated: November 10, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-33200 Filed 11-17-77;8:45 am]

[6820-27]

GRANTS FOR PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS

Application Announcement

NOTE.—Due to an editorial oversight, this document originally appeared at page 59420, in the FEDERAL REGISTER for Thursday, November 17, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 grants for Programs for the Training of Physician Assistants are now being accepted under the authority of section 783(a) of the Public Health Service Act (except subsections (2) and (3)), as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484). Federal assistance for training of physician assistants was formerly supported under section 774(a) of the PHS Act.

Section 783(a) authorizes the award of grants to meet the costs of planning, developing and operating or maintaining programs for the training of physician assistants as defined in section 701(7) of the PHS Act. The definition of "program for the training of physician assistants" was published as an Interim-Final regulation in the FEDERAL REGISTER on August 30, 1977, (42 FR 43630). Eligible applicants are public or nonprofit private schools of medicine and osteopathy and other public or nonprofit private entities.

To receive support, programs must meet the requirements of the Interim-Final regulations, including the requirement that programs develop and use (1) methods designed to encourage graduates of the programs to work in health manpower shortage areas and (2) methods for placing graduates in positions for which they have been trained.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, HRA, Center Building, Room 4-22, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6564.

To be considered for fiscal year 1978 funding, applications must be received by the Grants Management Officer, BHM, HRA, at the above address no later than December 7, 1977.

Should additional programmatic information be required, please contact:

Professional Education and Development Branch, Division of Medicine, Bureau of Health Manpower, HRA, Center Building, Room 4-50, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6580.

Dated: November 10, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-33201 Filed 11-17-77;8:45 am]

[4510-28]

DEPARTMENT OF LABOR

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secrearty of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 28, 1977.

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 November 28, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 3d day of November 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
The Arrow Shirt Co. (ACTWU)	Atlanta, Ga	Oct. 20, 1977	Oct. 12, 1977	TA-W-2,553	Men's shirts.
Do.	Carbon Hill, Ala	Oct. 26, 1977	Oct. 21, 1977	TA-W-2,554	Do.
Baro Corp. (workers)	Haverhill, Mass	Oct. 28, 1977	Oct. 24, 1977	TA-W-2,555	Stitching of men's and women's shoes.
Bethlehem Steel Corp. (USWA)	Johnstown, Pa	do	Oct. 1, 1977	TA-W-2,556	Carbon steel plates, wire rods, drawn wire, wheels and axles and all other products produced.
Convy Shoe Supplies (Retail Clerks Union Shoe Div.).	Cuba, Mo	Oct. 27, 1977	Oct. 17, 1977	TA-W-2,557	Shoe component parts.
Greatwestern Steel Co. (workers), Youngstown Division.	North Jackson, Ohio	Oct. 28, 1977	Oct. 21, 1977	TA-W-2,558	Steel coils are produced into steel sheets and the warehousing of Youngstown Sheet and Tube Co.'s finished product.
Modern Clothing Co. (workers)	Hammonton, N.J	do	Oct. 24, 1977	TA-W-2,559	Ladies' sportswear.
A. Rivetz Company, Inc. (workers)	Boston, Mass	do	Oct. 26, 1977	TA-W-2,560	Men's ties.
C. V. Rubin Leather, Inc. (workers)	Brockton, Mass	do	do	TA-W-2,561	Cutting of leather that is used for inside linings of shoes.
Thomas Knitting, Inc. (workers)	New York, N.Y	Oct. 27, 1977	Oct. 17, 1977	TA-W-2,562	Doubleknit fabrics and sweater strips.
Union Carbide (USWA)	Sheffield, Ala	do	Oct. 21, 1977	TA-W-2,563	Ferro alloys.

[FR Doc.77-33016 Filed 11-17-77;8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 28, 1977.

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 November 28, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of November 1977.

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
Bootmakers of Sturgeon Bay (Retail Clerks Footwear Division).	Sturgeon Bay, Wis	Oct. 31, 1977	Oct. 21, 1977	TA-W-2,564	Men's work and sport boots and shoes.
Encore Shoe Corp. (workers)	Rochester, N.H	do	Oct. 25, 1977	TA-W-2,565	Women's shoes and boots.
Filper Corporation (IAMAW)	San Ramon, Calif	Oct. 19, 1977	Oct. 10, 1977	TA-W-2,566	The servicing of food processing machines.
International Shoe Machine Corp. (workers)	St. Louis, Mo	Oct. 7, 1977	Sept. 29, 1977	TA-W-2,567	Machines that are used to make shoes.
Interstate United Corp. (United Auto Workers).	Wilmington, Del	Oct. 20, 1977	Oct. 21, 1977	TA-W-2,568	Cafeteria and vending work.
Jones & Laughlin Steel Corp. (United Steelworkers of America).	Cleveland, Ohio	Oct. 25, 1977	Sept. 25, 1977	TA-W-2,569	All carbon steel products.
Do.	Niles, Ohio	do	do	TA-W-2,570	Do.
Jones & Laughlin Steel Corp., New York Ore Div. (United Steelworkers of America).	Star Lake, N.Y	Oct. 28, 1977	Oct. 20, 1977	RA-W-2,571	Mining and concentrating of iron ore.
Parkview Clothes (workers)	Los Angeles, Calif	Oct. 31, 1977	Oct. 28, 1977	TA-W-2,572	Men's custom tailored clothes.
Joseph R. Palma, Inc. (workers)	Hammonton, N.J	do	Oct. 26, 1977	TA-W-2,573	Ladies' dresses and sportswear.
Regency Electronics, Inc. (IUE)	Indianapolis, Ind	do	do	TA-W-2,574	CB radios, weather monitors, emergency scanners, and other types of two-way transceivers.

[FR Doc.77-33017 Filed 11-17-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Aeronautics Board	1, 2
Federal Communications Commission	3
Federal Energy Regulatory Commission	4, 5
Federal Trade Commission	6, 7, 8
Foreign Claims Settlement Commission	9
Indian Claims Commission	10
International Trade Commission	11
Nuclear Regulatory Commission	12
Securities and Exchange Commission	13

[6320–01]

1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., November 22, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of items adopted by notation.

2. Docket 31350, Florida Airlines' Request for Large Aircraft Exemption Authority between points in Georgia and Florida. (Memo No. 6746–D, BOR.)

3. Dockets 31493 and 31494, Southern Airways, Inc.—Application for Certificate Amendment and Exemption to Provide Jackson-Atlanta Nonstop Service. (BOR, OGC, BFR.)

4. Docket 31131, Cimarron Industries, Ltd.—Application for exemption to use 75-seat jet aircraft in air taxi charter service (Memo No. 7556, Chairman's Memo to the Board Members dated November 9, 1977, BOR, OGC.)

5. Docket 29238, Dan-Air Services, Ltd. and British Airtours Limited—Applications for waiver of uplift ratio restrictions (Memo No. 6066–D, BOR, BIA, OGC.)

6. Docket 29638, Agreements CAB 26058, 5044–A200, and 16874–A55, Resolutions of the Air Traffic Conference of America (ATC) establishing a centralized debit and credit request memo collection service. (Memo No. 7571, BOR, OGC.)

7. Dockets 31377, 31379, 31389, 30704.—Motion of British Airways, dated September 21, 1977, for leave to file an otherwise unauthorized document in British Airways Cargo Contract Rates; complaint of Seaboard World Airlines, Inc.; Agreement between Trans World Airlines, Inc., and British Airways (Memo 7206–B, BFR, OGC.)

8. Docket 31568, Revisions to refund rules proposed by United (BFR).

9. Docket 31206, Application of Wilson & Company AB (Sweden) d.b.a. Wilson Air Freight, Inc. (U.S.A.) for indirect foreign air carrier permit. (Memo No. 7577, BOR, OGC.)

10. Docket 31036, Motion for hearing on the matter of certification of a U.S. carrier to serve the Houston/Dallas/Ft. Worth - Calgary / Edmonton - Anchorage/Fairbanks route, filed by the Calgary Transportation Authority and the Edmonton Area Air Services Commission; Petition for reconsideration of order denying motion for hearing. (Memo No. 7396–A, BOR, BIA.)

11. Dockets 31003 and 31004, National's Applications to suspend and delete service at Newport News. (Memo No. 7575, BOR. OCCR, OGC.)

12. Docket 31130, Continental's Chicago/Denver-Burbank application and petition for show cause order. (Memo No. 7581, BOR.)

13. Part 385—Expansion of delegated authority to the Director, Bureau of Operating Rights and the Chief, Passenger and Cargo Rates Division and Chief, Legal Division, Bureau of Fares and Rates. (Memo No. 7567, OGC, BOR, BFR.)

14. Protection of Charter Participants' Funds. (Memo No. 7563, OGC, BOR, BOE, BFR, OCA.)

15. Amendment of Air Taxi Insurance Requirements. (Memo No. 7134–B, OGC.)

16. Comment to FAA on its proposed revisions to the requirements under Part 135 for persons holding air taxi/commercial operators (ATCO) certificates. (BAS, BOR, BOE, OGC.)

17. Docket 29898, Off-Route Charter Restrictions. (Memo No. 6167–B, OGC.)

18. Docket 28970, Further discretionary review of *Trans World Airlines, Inc. Enforcement Proceeding.* (Memo. No. 7174–A, OGC.)

19. Docekt 27682, Discretionary review of the initial decision in the *National Air Carrier Association* v. *Lufthansa German Airlines, Inc. Enforcement Proceeding.* (Memo No. 7573, OGC.)

20. Proposed Amendment of Separation of Functions Rule. (Memo No. 7473, OGC.)

21. Procedures for Board Review of BOE Dismissals of Third Party Complaints. (Memo No. 7496, For Information Memo from Associate General Counsel, Litigation and Research, dated October 18, 1977, BOE, GOC.)

22. Docket 25780, Motion of BOE dismissal of third-party complaint in *International Travel Inc.* v. *Northwest Airlines, Inc. et al.* (Memo No. 7570.)

23. Docket 26877, Reconsideration of Board's order on discretionary review in the *Overseas National Airways, etc al. Enforcement Proceedings.* (Memo No. 6810–A, OGC.)

24. Docket 29789, *Houston/New Orleans-Yucatan Route Proceeding,* Petition for discretionary review. (Memo No. 6382–C, OGC, OEA.)

25. Docket 29632—Petition for Discretionary Review in *Frontier Airlines, Inc., Subpart M Application (Albuquerque-Phoenix).* (OGC, OEA.)

26. Dockets 27844 and 27924, Caribbean International Airways Limited, d.b.a. Caribbean Airways, and Laker Airways, Limited foreign air carrier permits. (Memo No. 5921–B, OGC, BIA.)

27. Docket 27589, *Domestic Baggage Liability Rules Investigation,* Petition for reconsideration and motion to delay effective date. (Memo No. 5088–G, OGC, BFR.)

28. Docket 22859, Concerning effect of recent legislation deregulating domestic air cargo operations on Board decision in the *Domestic Air Freight Rate Investigation* (DAFRI) OGC).

29. Docket 29044, Amendment of Part 252, "Provision of Designated 'No-Smoking' Areas Aboard Aircraft Operated by Certificated Air Carriers." (Memo No. 7323–A, 7323–B, Member Bailey's Memo to the Board Members dated November 4, 1977, OGC.)

30. Completion deadlines for high priority Board matters. (Memo from Barry Abrams dated November 7, 1977, OMD, BLJ, BOR, BAS, BFR, OGC, OS, OEA.)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S–1870–77 Filed 11–16–77;3:35 pm]

[6320–01]

2

CIVIL AERONAUTICS BOARD.

NOTICE OF CHANGE OF TIME OF THE NOVEMBER 21, 1977 MEETING TO DECEMBER 1, 1977

TIME AND DATE: 10:00 a.m., December 1, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Proposed transfer of auditors from Bureau of Enforcement to Bureau of Accounts and Statistics.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, (202) 673–5068

[S–1862–77 Filed 11–16–77;10:47 am]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, November 22, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special open commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Common Carrier—1—Adoption of the Commission's Transatlantic Facilities Construction and Use Plan (Docket No. 18875).
Common Carrier—2—Telephone Industry Committee request for stay of Terminal Equipment Registration Program pending review of the Primary Instrument Concept.
Common Carrier—3—Petition to suspend United States Transmission System's bulk rate structure filed by MCI Telecommunications.
General—1—Position Reallocation for fiscal year 1978.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone No. 202-632-7260.

Issued: November 15, 1977.

[S-1871-77 Filed 11-16-77;3:35 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10:00 a.m., November 22, 1977.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda) * Note.—items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

[S-1860-77 Filed 11-16-77;10:47 am]

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 10TH MEETING, NOVEMBER 22, 1977, REGULAR MEETING

P-1.—Docket No. ER77-533, Louisiana Power and Light Company.
P-2.—Docket No. ER77-531, Illinois Power Company.
P-3.—Docket Nos. ER76-854 and ER77-84, Boston Edison Company.
P-4.—Docket No. E-9002, Commonwealth Edison Company.
P-5.—Project No. 2101, California, Sacramento Municipal Utility District.

POWER AGENDA, 10TH MEETING, NOVEMBER 22, 1977, REGULAR MEETING

CP-1.—Docket No. ER77-571, The Empire District Electric Company.
CP-2.—Project No. 2756, Green Mountain Power Corporation and the City of Burlington, Vermont, Electric Department.
CP-3.—Project No. 2751, Ohio Power Company.
CP-4.—Project No. 2188, The Montana Power Company.
CP-5.—Project No. 2000, Power Authority of the State of New York.
CP-6.—Project No. 2735, California, Pacific Gas and Electric Company.
CP-7.—Project No. 2545, Washington, Washington Water Power Company.
CP-8.—Docket No. ID-1723, Frank N. Bien.

MISCELLANEOUS AGENDA, 10TH MEETING, NOVEMBER 22, 1977, REGULAR MEETING

M-1.—Docket No. RM76-17, Research, Development and Demonstrations; Accounting; Advanced Approval of Rate Treatment.

GAS AGENDA, 10TH MEETING, NOVEMBER 22, 1977, REGULAR MEETING

G-1.—Docket No. RP76-158, North Penn Gas Company.
G-2.—Docket No. RP72-149 (PGA77-10), Mississippi River Transmission Corporation.
G-3.—Docket No. RP77-121, McCulloch Interstate Gas Corporation.
G-4.—Docket No. RP76-52., et al., Northern Natural Gas Company.
G-5.—Docket Nos. RP74-6 and RP75-74 (Phase II), Southern Natural Gas Company.
G-6.—Docket No. RI77-54, Texas Oil and Gas Corporation, et al.
G-7.—Docket No. CI77-489, Southern Union Supply Company.
G-8.—Docket No. CP75-140, Pacific Alaska LNG Company. Docket No. CP75-83-3, Western LNG Terminal Company. Docket Nos. CI77-756 and CI77-757, Atlantic Richfield Company. Docket No. CI77-798, Shell Oil Company. Docket Nos. CI77-809 and CI77-814, Chevron U.S.A., Inc.
G-9.—Docket No. CP77-453, Transcontinental Gas Pipe Line Corporation.
G-10.—Docket No. CP76-285, Mountain Fuel Resources, Inc. Docket No. CP76-388, Mountain Fuel Supply Company. Docket No. CP76-389, Northwest Pipeline Corporation. Docket No. CP76-289, El Paso Natural Gas Company. Docket No. CP77-511, Northwest Pipeline Corporation. Docket No. CP77-512, Clay Basin Storage Company.
G-11.—Docket No. CP78-5, Tennessee Gas Pipeline Company, a division of Tenneco, Inc. and Transcontinental Gas Pipe Line Corporation.
G-12.—Docket No. CP77-502, Great Lakes Transmission Company.
G-13. (A) Docket No. CP77-409, Columbia Gulf Transmission Company and Texas Eastern Transmission Corporation. Docket No. CP74-204, Columbia Gulf Transmission Company and Natural Gas Pipeline Company of America. Docket No. CP77-568, Texas Eastern Transmission Corporation and Natural Gas Pipeline Company of America. (B) Docket Nos. CI77-490 and CI77-492, Union Oil Company of California. Docket No. CI77-578, Mobil Oil Corporation. Docket Nos. CI77-586 and CI77-708, Texas Eastern Exploration Company. Docket No. CI77-786, Chevron U.S.A. Inc.
G-14.—Docket No. G-103, Entex, Inc. Docket No. CP76-452, *Compania De Gab De Nuevo Laredo, S.A. Complainant* v. *Entex, Inc. Defendant.*

GAS AGENDA, 10TH MEETING, NOVEMBER 22, 1977, REGULAR MEETING

CG-1.—Docket No. RP78-10, Kansas-Nebraska Natural Gas Company, Inc.
CG-2.—Docket No. RP77-123, United Gas Pipe Line Company.
CG-3.—Docket No. CP70-7 (Phase II), Southern Natural Gas Company.
CG-4.—Docket No. RP73-65 (PGA77-4), Columbia Gas Transmission Corporation.
CG-5.—(A) Docket Nos. CI77-639, et al., McCulloch Oil Corporation of Texas, a Texas Corporation, et al. (B) Docket Nos. CI72-440, et al., Amoco Production Company, et al.

KENNETH F. PLUMB,
Secretary.

[S-1860-77 Filed 11-16-77;10:47 am]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 11/11/77; 42 FR 58830.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., November 16, 1977.

CHANGE IN MEETING: The following items have been added:

Item No., Docket No. and Company

P-19.—ER77-277, Pennsylvania Power Company.

KENNETH F. PLUMB,
Secretary.

[S-1861-77 Filed 11-16-77;10:47 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.
FEDERAL REGISTER CITATION OF PREVIOUSLY ANNOUNCEMENT: FR 42, November 16, 1977, Page No. 59356.

PREVIOUSLY ANNOUNCED TIME AND DATE OF OF THE MEETING: 10:00 a.m., Wednesday, November 16, 1977.

CHANGES IN THE AGENDA: The meeting has been cancelled.

The previously announced discussion of the Proposed Trade Regulation Rule proceeding relating to Mobile Home Sales and Service has tentatively been rescheduled for a Commission Meeting on Wednesday, November 23, 1977.

[S-1866-77 Filed 11-16-77;11:51 am]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, November 22, 1977.

PLACE: Room 432, Federal Trade Commission Bldg., 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative Matters:

Approval of Minutes of Nonadjudicative Matters Considered at Meeting of November 10, 1977.

Adjudicative Matters Under Part 3 of the Rules of Practice:

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of November 10, 1977.

(2) Consideration of Proposed Disposition of Respondents' Appeal from the Initial Decision in Docket No. 8958, Boise Cascade Corporation, et al.

(3) Consideration of status of pending Part III decisions.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202–523–3830; Recorded message, 202–523–3806.

[S–1867–77 Filed 11–16–77;11:51 am]

[6750–01]

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 3:00 p.m., Tuesday, November 22, 1977.

PLACE: Room 432, Federal Trade Commission Bldg., 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Open meeting with representatives of cereal manufacturers in connection with petitions for a Trade Regulation Rule that would regulate the advertising of sugared food products on children's television.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202–523–3830; Recorded Message, 202–523–3806.

[S–1868–77 Filed 11–16–77;11:51 am]

[6770–01]

9

FOREIGN CLAIMS SETTLEMENT COMMISSION.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date and time	*Subject matter*
Wednesday, December 21, 1977, at 10:30 a.m.	Canceled.
Wednesday, December 28, 1977, at 10:30 a.m.	Do.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202–653–6156.

Dated at Washington, D.C. on November 15, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S–1865–77 Filed 11–16–77;3:35 pm]

[7030–01]

10

INDIAN CLAIMS COMMISSION.

TIME and DATE: 10:15 a.m., November 23, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public: Docket 18–S, *Minnesota Chippewa;* Docket 229, *Navajo;* 1977 Annual Report.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202–653–6174.

[S–1865–77 Filed 11–16–77;11:51 am]

[7020–02]

11

USITC SE–77–69

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 4 p.m., Wednesday, November 16, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Canons of ethics: conflict of interest—see action jacket C03–77–5.

2. Commission response to Subcommittee on Trade re antidumping (if required).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202–523–0161.

[S–1859–77 Filed 11–16–77;10:47 am]

[7590–01]

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of November 21, 1977

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open and Closed

MATTERS TO BE CONSIDERED:

Tuesday, November 22:

9:30 a.m.—Discussion of Seabrook Opinion (Approximately 2 hr) (Closed-Exemption–10).

2:30 p.m.—1. Discussion of Petition for Rulemaking by Wisconsin Electric Power Co., et al., Regarding "Pat-Down" Physical Searches (Approximately 1 hour) (Public meeting).

2. Briefing on Reactor Licensing Schedules. (Approximately 30 minutes) (Public meeting).

3. Discussion of Export Licensing Matters including Intervention Petitions (XSNM–1026, 1138, 1195) and Nine (9) LEU Applications for EURATOM (Approximately 30 minutes) (Public meeting).

4:30 p.m.—4. Briefing by State Department on International Safeguards (Approximately 1 hour) (Closed-Exemption 1).

Wednesday, November 23:

9:30 a.m.—1. Discussion of Sunshine Act Implementation—Transcripts, etc. (Approximately 1 hour) (Public meeting).

2. Affirmation of: (Approximately 5 minutes) (Public meeting): Petition for Rulemaking Filed by Consumers Union; Appeal of Initial FOIA Decision; Proposed Reply to Court Order (Church Rock Uranium Mill).

NOTE.—The affirmations will consist of votes on matters previously reviewed individually by the Commissioners and are expected to take no more than 5 minutes.

3. Discussion of Personnel Matters (Approximately 1½ hour) (Closed, Exemptions 2 and 6).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

WALTER MAGEE,
Office of the Secretary.

[S–1863–77 Filed 11–16–77;10:47 am]

[8010–01]

13

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of November 21, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Monday, November 21, 1977, at 9 a.m. Open meetings will be held on Tuesday, November 22, 1977, at 10 a.m., and on Wednesday, November 23, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members

who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4)(8)(9)A and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Monday, November 21, 1977, at 9 a.m., will be:

Formal orders of investigation.
Referral of investigative files to Federal, State, or Self Regulatory authorities.
Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings.
Settlement of administrative proceedings.
Freedom of Information Act appeals.
Other litigation matters.

The subject matter of the open meeting scheduled for Tuesday, November 22, 1977, at 10 a.m. until 1 p.m. and 2:30 p.m. until 5 p.m., will be:

Meeting with Professor Louis Loss of Harvard Law School to discuss the draft American Law Institute Federal Securities Code.

The subject matter of the open meeting scheduled for Wednesday, November 23, 1977, at 10 a.m., will be:

1. Offer of settlement submitted by Lakelands Racing Association, Inc., relating to a previously filed application for exemption from certain reporting requirements under the Securities Exchange Act of 1934.
2. Consideration of the delegation of authority to the Director of the Division of Corporation Finance to issue releases listing those foreign issuers which appear to be current in submitting information and, therefore, exempt from certain registration requirements.
3. Proposed ratification by the Commission of a notice of filing and designation of date for hearing concerning a plan filed by Eastern Utilities Associates pursuant to Section 11(e) of the Public Utility Holding Company Act of 1935.
4. Consideration of a more simplified program relating to intsitutional disclosure under Section 13(f) of the Securities Exchange Act of 1934.
5. Request by the Municipal Securities Rulemaking Board ("MSRB") for Commission approval of Mr. William E. Sweeny as a public member of the MSRB, who was selected to fill a vacancy.
6. Further consideration of proposed amendments to Rule 15c3–1, the uniform net capital rule, which would: (1) eliminate present exemption of certain specialists in listed options and would require them to maintain net capital of at least $25,000 and prescribe early warning and surveillance reports by firms that carry such specialists accounts and (2) propose adjustments in the calculation of net capital with respect to specialists positions in options.
7. Delegation to the Secretary of the Commission the authority to designate officers of the Commission to serve notices of and orders for administrative proceedings and decisions and orders in such proceedings.

FOR FURTHER INFORMATION CONTACT:

Lawrence A. Horn at 202–755–1286 or Linda Schneider at 202–755–1118.

NOVEMBER 15, 1977.

[S–1864–77 Filed 11–16–77;10:47 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

■

GRANTS FOR BLIND AND DISABLED CHILDREN

[4110–84]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

GRANTS FOR BLIND AND DISABLED CHILDREN

Limits on Amounts Applicable to States; Fiscal Year 1978

Section 1615(b) of the Social Security Act established a program by which blind or disabled children receiving benefits under the Supplemental Security Income Program are to be referred to the Crippled Children's agency (or other agency) for certain health and rehabilitative services.

Section 1615(b) authorizes $30 million for implementation of the program. Under the statute, payments to a State or the District of Columbia may not exceed an amount which bears the same ratio to $30 million as the under-age-7 population of such States or the District of Columbia bears to the total under-age-7 population of the 50 States and the District of Columbia. The Secretary is directed to publish the limitation applicable to each State for each fiscal year, based on the most recent Department of Commerce data. The limits of the amounts available to each State and the District of Columbia for fiscal year 1978 appear at Appendix A to this notice.

Dated: November 2, 1977.

GEORGE I. LYTHCOTT,
Administrator, Health Services Administration.

APPENDIX A.—LIMITS OF AMOUNTS AVAILABLE TO STATES PURSUANT TO SECTION 1615(b) OF THE SOCIAL SECURITY ACT, AS AMENDED BY PUB. L. 94–566. REHABILITATION SERVICES FOR BLIND AND DISABLED CHILDREN, FISCAL YEAR 1978

State	*Amount*	*State*	*Amount*
Alabama	$549,000	Montana	$108,000
Alaska	72,000	Nebraska	216,000
Arizona	366,000	Nevada	90,000
Arkansas	312,000	New Hampshire	114,000
California	2,904,000	New Jersey	948,000
Colorado	372,000	New Mexico	192,000
Connecticut	384,000	New York	2,328,000
Delaware	81,000	North Carolina	795,000
District of Columbia	93,000	North Dakota	90,000
Florida	1,062,000	Ohio	1,506,000
Georgia	783,000	Oklahoma	390,000
Hawaii	141,000	Oregon	309,000
Idaho	135,000	Pennsylvania	1,488,000
Illinois	1,587,000	Rhode Island	117,000
Indiana	780,000	South Carolina	450,000
Iowa	393,000	South Dakota	99,000
Kansas	303,000	Tennessee	600,000
Kentucky	507,000	Texas	1,962,000
Louisiana	621,000	Utah	246,000
Maine	150,000	Vermont	69,000
Maryland	552,000	Virginia	693,000
Massachusetts	720,000	Washington	480,000
Michigan	1,320,000	West Virginia	258,000
Minnesota	540,000	Wisconsin	624,000
Mississippi	399,000	Wyoming	60,000
Missouri	642,000	Total	30,000,000

[FR Doc.77-33045 Filed 11-17-77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

INDIAN HEALTH CARE IMPROVEMENT ACT PROGRAMS AND NEGOTIATED PROCUREMENT UNDER BUY INDIAN ACT

[4110-84]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3-4.57—Negotiated Procurement Under the Buy Indian Act

POLICY ON PREFERENTIAL PURCHASING FROM INDIANS AND INDIAN FIRMS

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rules.

SUMMARY: These rules prescribe Department policy on preferential purchasing from Indians and Indian firms under section 303 of the Indian Health Care Improvement Act, and the negotiating authority of the Buy Indian Act.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert C. Birch, Indian Health Service, Telephone: 301-443-1044. Address: Room 5A-55, 5600 Fishers Lane, Rockville, Md. 20857.

SUPPLEMENTARY INFORMATION: On May 23, 1977, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (42 FR 26314 et seq.) proposing to amend Subpart 3-4.57 of 41 CFR to accord with section 303 of the Indian Health Care Improvement Act, Pub. L. 94-437 (25 U.S.C. 1633), and for other purposes.

Under section 303(a) of Pub. L. 94-437, the Secretary may use the negotiating authority of the Buy Indian Act (25 U.S.C. 47) to give preference to Indians and Indian firms: (1) In the construction and renovation of Indian Health Service (IHS) facilities and (2) in the construction of sanitation facilities for Indian homes and communities. The Secretary may give a preference unless he finds, pursuant to regulations and after considering certain evaluation criteria listed in section 303(a), that the project to be contracted for will not be satisfactory or cannot be properly completed or maintained under the proposed contract.

Under the proposed regulations, those findings and criteria would be made applicable to all Indian Health Service procurements under the Buy Indian Act. In addition, certain other changes in Subpart 3-4.57 of 41 CFR were proposed with respect to (1) the definition of Indian firm, (2) the required degree of Indian ownership, and (3) procedures for prior notification of Indian firms. Interested persons were given until July 7, 1977, to submit written comments, suggestions, or objections.

CHANGE MADE FROM THE PROPOSED RULES

After full and careful consideration of all comments received, § 3-4.5705(b) has been changed to insert the words "are to be in writing and" after the word "determinations". The change is in response to a comment that the determination made under § 3-4.5705(a), that the project or function to be contracted for is likely to be satisfactorily performed and properly completed or maintained under the contract, be made in writing.

DISCUSSION OF MISCELLANEOUS COMMENTS

The Secretary does not agree that the proposed rules would be improved as suggested by some commentors and has rejected the following suggestions:

1. That the regulations provide that other appropriate agencies within the Department may act as agents of the IHS in advertising and awarding design and construction contracts with Indian organizations. This is not necessary as § 3-4.5700, Scope of Subpart, provides that Subpart 3-4.57 applies to procurements "made by or on behalf of the Indian Health Service".

2. That the regulations should give a preference to tribally owned or operated construction companies. As Indian tribes may request contracts under the Indian Self-Determination Act, Pub. L. 93-638, a preference for tribal companies under these regulations is not necessary.

3. That an Indian contractor be required to prove that the contractor will give employment preference to Indians and is in a position to employ Indians as a large percentage of its work force. Final regulations published on September 30, 1977 (42 FR 52400), as corrected on October 7, 1977 (42 FR 54552), have revised §§ 3-4.5703(c) and (e) of the Buy Indian Act regulations to include requirements for Indian preference in training and employment and the award of subcontracts to Indian firms pursuant to section 7(b) of the Indian Self-Determination Act, Pub. L. 93-638 (25 U.S.C. 450e (b)).

4. That evaluation criteria in § 3-4.5705 not apply to Indian firms in California. The evaluation criteria are specified in section 303(a) of Pub. L. 94-437 (25 U.S.C. 1633(a)) without exception for particular geographic areas.

5. Certain recommendations for stylistic changes not affecting substantive meaning have been rejected in favor of retaining simpler language. It was suggested that the words "provide for utilizing the Buy Indian Act" be substituted for "calls for the use of the Buy Indian Act" in the third and fourth lines of § 3-4.5701 and that the last sentence in § 3-4.5703(a) as proposed be rewritten as two sentences without substantive change.

PUBLIC PARTICIPATION

Following publication of the Notice of Proposed Rulemaking (NPRM) on May 23, 1977, and during the public comment period which ended July 7, 1977, about 6,000 copies of the NPRM were distributed to American Indian and Alaska Native people, IHS staff, and other interested persons.

Meetings were held with American Indian and/or Alaska Native people, IHS staff, and others to stimulate understanding of the NPRM and to encourage public comment where interested. Examples of locations where these meetings were held include: Arizona—Sells, Tucson, Window Rock; California—Escondido, Sacramento; San Francisco; Minnesota—Bemidji, Duluth; Nevada—Reno; New Mexico—Albuquerque, Dulce, Santa Fe, Zuni; Oklahoma—Chilocco; Washington — Seattle; Wisconsin — Stockbridge-Munsee.

The current meeting totals for the period October 1, 1976–June 1977:

Number of Pub. L. 94-437 meetings held throughout the United States	187
Number of communities in which meetings were held	72
Number of people at meetings	7,358
American Indian/Alaska people represented at meetings	800,000+
Number of communications cards processed by IHS Core Team	2,693

Part 3-4 of Title 41 is amended by amending Subpart 3-4.57 as follows.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 3, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: November 9, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

Part 3-4 of Title 41 is amended by amending Subpart 3-4.57 as follows:

Subpart 3-4.57—Negotiated Procurement Under the Buy Indian Act

AUTHORITY: Sec. 303 of Pub. L. 94-437 (25 U.S.C. 1633); 25 U.S.C. 47; sec. 702 of Pub. L. 94-437 (25 U.S.C. 1672)

1. Section 3-4.5700 is amended to read as follows:

§ 3-4.5700 Scope of subpart.

This subpart sets forth policy on preferential purchasing from Indians under the negotiating authority of the Buy Indian Act. Applicability of this subpart is limited to procurements made by or on behalf of the Indian Health Service, U.S. Public Health Service.

2. At the end of § 3-4.5701 add the following:

§ 3-4.5701 Policy.

* * * Section 303 of the Indian Health Care Improvement Act (P.L. 94-437) calls for the use of the Buy Indian Act in the construction and renovation of facilities pursuant to section 301 of that Act and in the construction of safe water and sanitary waste disposal facilities pursuant to section 302 of that Act.

3. Section 3-4.5702-2 is amended to read as follows:

§ 3-4.5702-2 Indian Firm.

An Indian firm means a sole enterprise, partnership, corporation, or other type of business organization owned and

controlled by one or more Indians (including, for the purpose of sections 301 and 302 of Pub. L. 94–437, former or currently federally recognized Indian tribes in the State of New York) or by an Indian firm; or a non-profit firm organized for the benefit of Indians and controlled by Indians.

4. Paragraph (a) of § 3–4.5703 is amended to read as follows:

§ 3–4.5703 Requirements.

(a) *Indian ownership.* The degree of ownership that is called for by § 3–4.5702–2 shall be 100 percent during the period covered by a Buy Indian contract unless a deviation from that 100 percent requirement is approved on an individual basis by the Area or Program Office Director of the Indian Health Service responsible for the area or program with respect to which the Buy Indian contract is to be entered into. Such a deviation, which may be to not less than 51 percent, must be accompanied by an appropriate justification for such a deviation.

* * * * *

5. The following § 3–4.5705 as added to read as follows:

§ 3–4.5705 Evaluation criteria.

(a) A contract may be negotiated with, and preference given to, Indians under the Buy Indian Act only if it is first determined that the project or function to be contracted for is likely to be satisfactorily performed under such a contract and that the project or function is likely to be properly completed or maintained under such a contract.

(b) The determination called for by paragraph (a) to be made prior to the award of a negotiated contract under the Buy Indian Act will be made by the official specified in § 3–4.5704(b). Such determinations are to be in writing and are to reflect a consideration of the following criteria:

(1) Whether there is ownership of a business organization, and control of such a business organization or of a non-profit firm, as is called for by § 3–4.5702–2.

(2) Whether the Indian firm has the equipment, buildings and facilities necessary to assure the efficient and orderly performance of the contract or whether it has reasonable access thereto for that purpose.

(3) Whether the Indian firm has established bookkeeping and accounting procedures, adequate to assure the efficient and orderly performance of the contract, including a compliance with labor requirements and a timely compliance with reporting requirements.

(4) Whether the Indian firm has substantive knowledge of the project or function to be contracted for, based either upon satisfactory performance of a similar project under a prior contract or upon demonstrated experience in managing, or being otherwise intimately involved in, a similar project.

(5) Whether the Indian firm has an adequate number of employees, or has reasonably available to it sufficient personnel, who are or will be under a reasonable on-the-job training program adequately trained to satisfactorily perform the contract.

(6) Whether the Indian firm has the experience and financial ability to adequately perform a contract of the proposed scope and magnitude, considering its present and potential commitments to other projects.

6. At the end of § 3–4.5704 add the following new paragraph (c):

§ 3–4.5704 Competition.

* * * * *

(c) Contracts proposed to be entered into by the Indian Health Service should be synopsized and publicized in the Commerce Business Daily (See 41 CFR § 1–1.1003–1) and copies thereof sent to the tribal office of the Indian tribal government directly concerned with the proposed procurement as well as to Indian firms and others having a legitimate interest therein. Such synopses should state that to the extent provided for pursuant to the Buy Indian Act qualified Indian firms will be given preference in the award of such contracts.

[FR Doc.77–33041 Filed 11–17–77;8:45 am]

[4110–84]

Title 42—Public Health

CHAPTER I—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 36—INDIAN HEALTH

Subpart J—Indian Health Care Improvement Act Programs

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rules.

SUMMARY: These rules prescribe requirements for Indian health professions recruitment and scholarship grant programs, continuing education allowances for employees of the Indian Health Service, contracts with urban Indian organizations, and leasing with Indian tribes authorized by the Indian Health Care Improvement Act. These programs are intended to encourage Indians to enter the health professions and to ensure the availability of Indian health professionals to serve Indians.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert C. Birch, Indian Health Service. Telephone: 301–443–1044. Address: Room 5A–55, 5600 Fishers Lane, Rockville, Md. 20857.

SUPPLEMENTARY INFORMATION: On May 23, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 26306 et seq.) proposing to establish requirements for Indian health professions recruitment and scholarship grant programs, continuing education allowances for employees of the Indian Health Service, contracts with urban Indian organizations, and leases with Indian tribes authorized by sections 102, 103, 104, 106, 502, and 704 of the Indian Health Care Improvement Act, Pub. L. 94–437 (25 U.S.C. 1601 et seq.). Interested persons were given until July 7, 1977 to submit written comments, suggestions or objections.

A. CHANGES MADE FROM THE PROPOSED RULES

After full and careful consideration of all comments received, certain provisions of the proposed rules have been revised as noted below:

1. Clarifying language has been added to the definitions of health professions schools renumbered as §§ 36.302 (m), (n), and (o) to indicate that the Commissioner of Education referred to in those definitions is the Commissioner of Education of the Department of Health, Education, and Welfare.

2. The definition of "school of allied health professions" renumbered as § 36.302(m) has been changed to incorporate a generic definition of educational programs in the allied health professions, and to include certificate programs. As a generic definition is by its nature quite broad and does not provide a list of specific allied health professions curricula, a requirement has been added as a new § 36.304 that the Secretary publish a list of allied health professions for consideration in the award of preparatory and Indian Health scholarships.

Several commentors suggested deletion of the requirement that the school be affiliated with a hospital. The definition with respect to affiliation has been revised so that affiliation is required when it is necessary for completion of the programs of education offered by the school. Additionally, the method of affiliation has been specified and a definition of hospital has been added at § 36.302(g) for purposes of clarity.

3. The definition of "school of nursing" renumbered as §36.302(o) has been revised to accord more closely with accreditation requirements in the definition of school of nursing in section 853 of the Public Health Service Act. (42 U.S.C. 298b).

4. The population requirement in the definition of "urban center" renumbered as § 36.302(t) has been reduced from 50,000 to 10,000 so as not to exclude smaller cities in midwestern and other areas.

5. The definition of "urban Indian organization" renumbered as § 36.302(v) is revised to include organizations which have the provision of health programs as one of their major functions, but not necessarily the principal function, if the health programs are administered by a distinct organizational unit within the organization. This change was made so as not to exclude multipurpose organizations with major functions other than administration of health programs. Section 36.302(v)(3) has been revised to require that the board of directors be composed of urban Indians elected or appointed in accordance with the articles

of incorporation and bylaws of the organization. This change was made to insure full Indian control of the organization. Language has been added to § 36.302(v)(5) to except organizations administering urban projects under contracts with the Secretary prior to October 1, 1977 from the requirements of paragraphs (v)(2) and (v)(3) of § 36.302(v) for the period of such contracts or until July 1, 1978, whichever is later.

6. Section 36.312(c)(7) has been amended for clarification to require that when the target population of a proposed recruitment project includes a particular tribe or tribes, the grant application must include an official document in such form as is prescribed by the tribal governing body of each such tribe indicating that the tribe will cooperate with the applicant.

Several comments suggested the language in 42 CFR 36.206 be substituted for § 36.312(c)(7). Section 36.206 of 42 CFR applies to contracts with tribal organizations under the Indian Self-Determination Act, Pub. L. 93–638, and provides that before the IHS may enter into a contract with a tribal organization, the IHS must be requested to do so by the tribe in the form of a resolution complying with the specified requirements of that section. This requirement was not adopted as it implements a specific requirement of section 103(a) of Pub. L. 93–638 which is not applicable to recruitment grants under the Indian Health Care Improvement Act, Pub. L. 94–437, and would establish an unnecessary requirement for tribal organizations.

7. Section 36.313(b) establishing an order of priority for preference to recruitment grant applicants has been changed to place Indian tribes on a higher priority than tribal organizations.

8. Section 36.317(b) Accounting for royalties has been deleted as subpart F of 45 CFR Part 74, made applicable to recruitment grants by § 36.319 of these regulations, covers accounting for royalties and makes current Public Health Service grants policy applicable.

9. Section 36.323(a) has been revised to change the amount of the monthly stipend for recipients of preparatory scholarships to $400 per month with specified adjustments to conform to the monthly stipend awarded to recipients of National Health Service Corps Scholarships under section 751(g)(1) of the Public Health Service Act (42 U.S.C. 294t (g)(1)).

10. Subdivision J–4—Indian Health Scholarship Program has been revised to reflect a change in the statutory authorization for the program. Section 104 of the Indian Health Care Improvement Act amended section 225 of the Public Health Service Act to authorize the award of Indian Health Scholarships to students in health professions schools under section 225. However section 225 was repealed effective October 1, 1977, by section 408(b) of the Health Professions Educational Assistance Act of 1976, Pub. L. 94–484. The preamble to the May 23, 1977, Notice of Proposed Rulemaking at 42 FR 26306 noted that regulations for the Indian Health Scholarship Program were proposed in the expectation that Congress would take corrective action before repeal became effective. Section 307(n)(1) of the Health Services Extension Act of 1977, Pub. L. 95–83, adopted on August 1, 1977, adds a new section 757 to the Public Health Service Act (42 U.S.C. 294y–1) effective October 1, 1977, authorizing the award of Indian Health Scholarships to students in health professions schools under Subpart IV of Part C of Title VII of the Public Health Service Act which authorizes the National Health Service Corps Scholarship Program.

Subdivision J–4 of these regulations has therefore been revised to make certain necessary amendments to conform to section 757 of the Public Health Service Act. References to regulations at 42 CFR Part 62 have been deleted as those regulations, issued under section 225 of the Public Health Service Act which was repealed, will not be applicable to Indian Health Scholarships. Section 36.330 has been revised to provide that Indian Health Scholarships will be awarded pursuant to Subpart IV of Part C of Title VII of the Public Health Service Act, and such implementing regulations as may be promulgated by the Secretary except for the requirements in Subdivision J–4.

Section 36.333(c)(1) has been revised to require that the service obligation in private practice be in a health manpower shortage area designated under section 332 of the Public Health Service Act (42 U.S.C. 254e). This will make the reference to "physician or other health professional shortage area" in section 757 (b)(2) of the Public Health Service Act consistent with the reference to "health manpower shortage area" in section 753 of the Public Health Service Act (42 U.S.C. 294v) specifying requirements for the service obligation in private practice under the National Health Service Corps Scholarship Program. A new § 36.334 has been added requiring publication of a list of recipients of Indian Health Scholarships in the FEDERAL REGISTER. This is consistent with § 36.324 requiring publication of a list of recipients of preparatory scholarships.

11. Corrections in the text of § 36.350 (e) have been made to conform that section to section 504(d) of the Indian Health Care Improvement Act.

12. Certain changes have been made to section 36.351 governing the application and selection process for contracts with urban Indian organizations. Section 36.351(b) has been revised for clarification to indicate that proposals will be selected which "best promote the purposes of Title V of the Act" taking into consideration the factors listed. In this regard several comments suggested that § 36.351(b) should specify that proposals meeting a maximum number of factors would be selected. This was rejected in favor of clarifying the standard with respect to which all factors would be considered.

Section 36.351(b)(1) has been revised to indicate that the extent of unmet health care needs of urban Indians should be determined on the basis of the latest available statistics on the factors listed in that section. A fifth category of "under 1000" has been added to § 36.351(b)(2). Section 36.351(b)(4)(iii) has been deleted in response to comments objecting to its inclusion on the grounds that proximity of the applicant's facilities to other sources of health services is not a significant additional factor, in light of the other factors listed in § 36.351(b)(4), for assessing duplication with other health services projects.

Section 36.351(b)(8) specifying identification of a city as a BIA relocation site as a factor for consideration has been deleted as that factor is not applicable to the majority of cities considered urban centers under these regulations. The word "clinic" in § 36.351(b)(9) has been changed to "program" as some existing projects have not developed to the stage where they have clinics, but nevertheless have a health program. The suggestion of one commentor that cities with urban Indian health clinics be given priority over other cities was rejected as cities with clinics are not necessarily those with the greatest need.

13. Section 36.352 on fair and uniform provision of services has been revised for purposes of clarity.

14. Certain provisions have been renumbered to accommodate the above changes.

DISCUSSION OF MISCELLANEOUS COMMENTS

The Secretary does not agree that the proposed rules would be improved as suggested by some commentors and has rejected the following suggestions:

1. That § 36.301(a) *Policy* contain a statement to the effect that it is the policy of the Secretary that the Indian Health Care Improvement Act Programs governed by these regulations are subject to contract under the Indian Self-Determination Act. Such a statement would be inappropriate as the recruitment, scholarship and urban programs established under Pub. L. 94–437 are not subject to the Indian Self-Determination Act. However, as Indian tribes and tribal organizations are preferential grantees under the recruitment program, § 36.301 (a)(2) does refer to Indian self-determination and assisting tribes and tribal organizations to develop their manpower programs.

2. That § 36.301(a) *Policy* contain a statement that the needs of Indian tribes, tribal organizations and the Indian Health Service will be given priority consideration. A policy statement to this effect would be confusing. The needs of the Service are based on identified needs of tribes and tribal organizations.

3. That the definition of Indian be expanded to include adopted children and grandchildren of specified tribal members. Section 4(c)(1) of Pub. L. 94–437

uses the terms "descendant, in the first or second degree, of any such member" which includes only the natural child or grandchild of specified tribal members.

4. That the phrase "such as reservation health boards, national health promotion councils, etc." be added to the definition of "Indian health organization". The definition is based upon certain characteristics an organization must have to qualify. Adding a few examples of organizations which may qualify will not necessarily clarify the definition and may be misleading if not inclusive.

5. That § 36.303 requiring scholarship applicants to provide evidence of tribal membership or other evidence that they are Indian under renumbered § 36.302 (h) be revised to specify what evidence will be acceptable in the case of persons of Indian blood who are not members of an Indian tribe. It is not the purpose of § 36.303 to interpret the definition of Indian in § 36.302(h) but only to establish a general rule that scholarship applicants must submit evidence that they are Indian. It should be noted that § 36.302(h) which defines the term "Indian" for the purposes of subdivisions J–2, J–3, and J–4, includes persons considered by the Secretary of the Interior to be Indian for any purpose or determined to be Indian under regulations promulgated by the Secretary of Health, Education, and Welfare, e.g., 42 CFR 36.12.

6. That § 36.313(b) establishing an order of priority for preference to recruitment grant applicants give urban Indian organizations the same priority as tribes and tribal organizations. This would conflict with section 102(b)(1) of Pub. L. 94–437 which requires that preference be given to applications of tribes and tribal organizations.

7. That § 36.312(d)(1) be changed to indicate that aptitude or other testing done in elementary and secondary schools as part of a recruitment project be "culturally sensitive". The grant review process will require that testing procedures used be culturally sensitive.

8. That § 36.312 specify mandatory and optional activities for recruitment projects. The examples of activities listed in § 36.312 are intended to encourage innovative approaches in the design of proposed projects rather than restrict applicants to a particular list of mandatory and optional activities.

9. That payments to recruitment grantees and urban Indian organizations be required to be made in advance of incurring expenses. Sections 36.314(a) and 36.350(c) in accordance with Department policy allow advance payment in the discretion of the Secretary.

10. That recruitment projects under subdivision J–2 be focused on elementary and junior high school students. Such students are included with respect to project activities listed in § 36.312.

11. That consideration be given in the award of recruitment grants to Indian Health Career Programs currently in operation. Prior experience will be taken into consideration under several of the factors listed for evaluation of grant proposals under § 36.313.

12. That the limitation on preparatory scholarship grants to two academic years be deleted from section 36.320. The limitation is imposed by law under section 103(b) of Pub. L. 94–437.

13. That "stay in school" programs designed to assist Indian students to remain in school be included in the preparatory scholarship program under subdivision J–3. Section 103 of Pub. L. 94–437 which authorizes the preparatory scholarship program is limited to scholarships.

14. That an applicant's professional goals be included in § 36.322(b) as a factor for consideration in the award of preparatory scholarships. An application must indicate the applicant's professional goals under § 36.322(a)(1) and such goals will be considered under the factors already listed. For example, the applicant's stated reasons for asking for the scholarship will be considered under § 36.322(b)(4) and the relative needs of the IHS and Indian health organizations for persons in particular health professions under § 36.322(b)(5) will be matched up with the professional goals of applicants.

15. That faculty recommendations be deleted as a factor under § 36.322(b) for evaluating applications for preparatory scholarships for the reason that faculty recommendations may not be available to the average student. Faculty recommendations are considered a relevant factor for determining an applicant's demonstrated capability to successfully complete courses of study in a health professions school under section 103 (a)(2) of Pub. L. 94–437. However, faculty recommendations are only one of several factors listed in § 36.322(b) of these regulations for evaluating applications.

16. That vocational and technical schools be included in the list of schools students may attend. The comments referred to the definitions of health professions schools in § 36.302, which are limited to schools for the particular health professions designated in sections 102 and 103 of Pub. L. 94–437 and section 757 of the Public Health Service Act. The accreditation and other academic requirements in those definitions are considered essential to assure the quality of education provided to students on Indian Health Scholarships.

17. That a definition of Indian preference be included in the definition section of these regulations to assure that Indians will receive priority in the award of Indian Health Scholarships. Priority for Indians is provided in renumbered § 36.331 in accordance with section 757(b)(1) of the Public Health Service Act.

18. That tribal organizations and the Indian Health Service be given an equal priority with respect to the service obligation for Indian health scholarships. Renumbered § 36.332 allows fulfillment of the service obligation by service in the IHS, an urban Indian organization, or in private practice (such as with a tribal organization) which meets the requirements of that section. No distinction is made as to priority.

19. That distribution of Indian Health Scholarships among the health professions under proposed § 36.334 be tied to job availability within the IHS. Under that section, renumbered as § 36.333, the needs of the IHS are given priority consideration in the distribution of scholarships and the determination of IHS needs assumes projected availability of positions.

20. That stipends for Indian Health Scholarship recipients be determined on the basis of what is necessary to meet the recipient's needs. The amount of the stipend is fixed by law at $400 per month with specified annual percentage increases under section 751(g) of the Public Health Service Act (42 U.S.C. 294t(g)).

21. That the phrase "substantial number of Indians" in proposed § 36.333(c) stating requirements for service in private practice be defined to mean where the practice serves a majority of Indians. The suggested definition was not adopted as it would make the percentage of Indians served by the practice the determining factor regardless of whether significant numbers of Indians are served.

22. That Indian health professionals employed by the IHS be given priority over other Indians for Indian Health Scholarships. Priority is afforded to Indians as distinguished from non-Indians. There is no basis in section 757 of the Public Health Service Act to give an additional preference to Indian employees of the Service.

23. That the regulations require a list of IHS employees receiving continuing education allowances under subdivision J–5 be published in the FEDERAL REGISTER. This suggestion was rejected as inappropriate since such allowances are internal personnel matters and statistics on such allowances will be reported to Congress annually.

24. That nurses be eligible for continuing education allowances under subdivision J–5. Nurses are included under the phrase "other health professionals" in § 36.340.

25. That the population requirement in the definition of urban center and the priority list for specified urban Indian populations in § 36.351(b)(2) be deleted. Inclusion of population indicators is necessary to clarify program criteria.

26. That the phrase "on an optional basis" be added to § 36.351 (b)(4)(i) and (ii) after the word "utilization". As the language in that section does not imply that utilization of existing health services by urban Indians is on other than an optional basis, there is no need to add the suggested phrase for clarification.

27. That § 36.351(b)(11), renumbered as § 36.351(b)(10), be changed to specify letters of support from either the Indian or non-Indian communities in an urban center but not from both; so that letters from the non-Indian community not be considered mandatory. Letters of support from the non-Indian community are relevant under § 36.351(b) as indicative of the potential cooperation of that

community with the applicant for purposes of carrying out project activities. However, such letters are only one of many factors to be considered under § 36.351(b).

28. Comments were received requesting information on administrative procedures for programs governed by these regulations. Clarification of administrative procedures are properly the subject of program guidelines and will be addressed in the program operation plans.

COMMENTS BEYOND SCOPE

Several comments were received that were beyond the scope of the notice. They include suggestions:

1. That the regulations contain minimum requirements for State recognition of Indian tribes;

2. That Pub. L. 94-437 funds be distributed among the IHS Area Offices and then to the tribes.

3. That the Indian Health Service implement an extern program for high school students.

4. That health professions schools outside the United States be included as training resources.

5. That employees of tribal health organizations be eligible for continuing education allowances under subdivision J-5.

PUBLIC PARTICIPATION

Following publication of the Notice of Proposed Rulemaking (NPRM) on May 23, 1977, and during the public comment period which ended July 7, 1977, about 6,000 copies of the NPRM were distributed to American Indian and Alaska Native people, IHS staff, and other interested persons.

Meetings were held with American Indian and/or Alaska Native people, IHS staff, and others to stimulate understanding of the NPRM and to encourage public comment where interested. Examples of locations where these meetings were held include: Arizona—Sells, Tucson, Window Rock; California—Escondido, Sacramento, San Francisco; Minnesota—Bemidji, Duluth; Nevada—Reno; New Mexico—Albuquerque, Dulce, Santa Fe, Zuni; Oklahoma—Chilocco; Washington — Seattle; Wisconsin — Stockbridge-Munsee.

The current meeting totals for the period October 1, 1976–June 1977:

Number of Pub. L. 94-437 meetings held throughout the United States	187
Number of communities in which meetings were held	72
Number of people at meetings	7,358
American Indian/Alaska people represented at meetings	800,000+
Number of communications cards processed by IHS Core Team	2,693

Part 36 of Title 42 is amended by adding the following new Subpart J.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 3, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: November 9, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart J—Indian Health Care Improvement Act Programs

SUBDIVISION J-1—PROVISIONS OF GENERAL AND SPECIAL APPLICABILITY

Sec.
36.301 Policy and applicability.
36.302 Definitions.
36.303 Indians applying for scholarships.
36.304 Publication of a list of allied health professions.
36.305 Additional conditions.

SUBDIVISION J-2—HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS

36.310 Health professions recruitment grants.
36.311 Eligibility.
36.312 Application.
36.313 Evaluation and grant awards.
36.314 Payment and use of funds.
36.315 Publication of list of grantees and projects.
36.316 Alteration or renovation.
36.317 Grantee accountability.
36.318 Publication and copyright.
36.319 Applicability of 45 CFR Part 74.

SUBDIVISION J-3—HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS

36.320 Preparatory scholarship grants.
36.321 Eligibility.
36.322 Application and selection.
36.323 Scholarship and tuition.
36.324 Publication of a list of recipients.

SUBDIVISION J-4—INDIAN HEALTH SCHOLARSHIP PROGRAM

36.330 Indian health scholarships.
36.331 Selection.
36.332 Service obligation.
36.333 Distribution of scholarships.
36.334 Publication of a list of recipients.

SUBDIVISION J-5—CONTINUING EDUCATION ALLOWANCES

36.340 Provision of continuing education allowances.

SUBDIVISION J-6—CONTRACTS WITH URBAN INDIAN ORGANIZATIONS

36.350 Contracts with urban Indian organizations.
36.351 Application and selection.
36.352 Fair and uniform provision of services.
36.353 Reports and records.

SUBDIVISION J-7—LEASES WITH INDIAN TRIBES

36.360 Leases with Indian tribes.

Subpart J—Indian Health Care Improvement Act Programs

AUTHORITY: Secs. 102, 103, 106, 502, and 704 of P.L. 94-437 (25 U.S.C. 1612 and 1613, 25 U.S.C. 1615, 1652, and 1674); sec. 702 of P.L. 94-437 (25 U.S.C. 1672); sec. 757, 91 Stat. 392-393 (42 U.S.C. 294y-1).

SUBDIVISION J-1 PROVISIONS OF GENERAL AND SPECIAL APPLICABILITY

§ 36.301 Policy and applicability.

(a) *Policy.* (1) It is the policy of the Secretary to encourage Indians to enter the health professions and to ensure the availability of Indian health professionals to serve Indians. The recruitment and scholarship programs under this subpart will contribute to this objective.

(2) The regulations of this subpart are intended to be consistent with principles of Indian self-determination and to supplement the responsibilities of the Indian Health Service for Indian health manpower planning and for assisting Indian tribes and tribal organizations in the development of Indian manpower programs.

(b) *Applicability.* The regulations of this subpart are applicable to the following activities authorized by the Indian Health Care Improvement Act:

(1) The award of health professions recruitment grants under section 102 of the Act to recruit Indians into the health professions (Subdivision J-2);

(2) The award of preparatory scholarship grants under section 103 of the Act to Indians undertaking compensatory preprofessional education (Subdivision J-3);

(3) The award of Indian Health Scholarship grants pursuant to section 225 (i)(2) of the Public Health Service Act, as added by section 104 of the Act, to Indian or other students in health professions schools (Subdivision J-4);

(4) The provision of continuing education allowances to health professionals employed by the Service under section 106 of the Act (Subdivision J-5);

(5) Contracts with urban Indian organizations under section 502 of the Act to establish programs in urban areas to make health services more accessible to the urban Indian population (Subdivision J-6); and

(6) Leases with Indian tribes under section 704 of the Act (Subdivision J-7).

§ 36.302 Definitions.

As used in this subpart: (a) "Act" means the Indian Health Care Improvement Act, Pub. L. 94-437 (25 U.S.C. 1601 et seq.).

(b) "Academic year" means the traditional approximately 9 month September to June annual session, except for students who attend summer session in addition to the traditional academic year during a 12 month period, for whom the academic year will be considered to be of approximately 12 months duration.

(c) "Budget period" means the interval of time into which the approved activity is divided for budgetary purposes, as specified in the grant award document.

(d) "Compensatory preprofessional education" means any preprofessional education necessary to compensate for deficiencies in an individual's prior education in order to enable that individual

to qualify for enrollment in a health professions school.

(e) "Health or educational entity" means an organization, agency, or combination thereof, which has the provision of health or educational programs as one of its major functions.

(f) "Health professions school" means any of the schools defined in paragraphs (m), (n), or (o) of this section.

(g) "Hospital" means general, tuberculosis, mental, and other types of hospitals, and related facilities such as laboratories, outpatient departments, extended care facilities, facilities related to programs for home health services, self-care units, education or training facilities for health professions personnel operated as an integral part of a hospital, and central services facilities operated in connection with hospitals, but does not include any hospital providing primarily domiciliary care.

(h) "Indian" or "Indians" means, for purposes of Subdivisions J-2, J-3, and J-4 of this subpart, any person who is a member of an Indian tribe, as defined in paragraph (i) of this section or any individual who (1), irrespective of whether he or she lives on or near a reservation, is a member of a tribe, band or other organized group terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is the natural child or grandchild of any such member, or (2) is an Eskimo or Aleut or other Alaska Native, or (3) is considered by the Secretary of the Interior to be an Indian for any purpose, or (4) is determined to be an Indian under regulations promulgated by the Secretary.

(i) "Indian health organization" means a nonprofit corporate body composed of Indians which provides for the maximum participation of all interested Indian groups and individuals and which has the provision of health programs as its principal function.

(j) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(k) "Nonprofit" as applied to any private entity means that no part of the net earnings of such entity inures or may lawfully inure to the benefit of any private shareholder or individual.

(l) "Project period" means the total time for which support for a project has been approved, as specified in the grant award document.

(m) "School of allied health professions" means a junior college, college, or university—

(1) Which provides, or can provide, programs of education leading to a certificate, or to an associate or baccalaureate degree (or the equivalent or either), or to a higher degree for preparing personnel with responsibilities for supporting, complementing, or supplementing the professional functions of physicians, dentists, and other health professionals in the delivery of health care to patients or assisting environmental engineers and others in environmental health control and preventive medicine activities.

(2) Which, if in a college or university which does not include a teaching hospital or in a junior college, is affiliated through a written agreement with one or more hospitals which provide the hospital component of the clinical training required for completion of such programs of education. The written agreement shall be executed by individuals authorized to act for their respective institutions and to assume on behalf of their institution the obligations imposed by such agreement. The agreement shall provide:

(i) A description of the responsibilities of the school of allied health professions, the responsibilities of the hospital, and their joint responsibilities with respect to the clinical components of such programs of education; and

(ii) A description of the procedure by which the school of allied health professions and the hospital will coordinate the academic and clinical training of students in such programs of education; and

(iii) That, with respect to the clinical component of each such program of education, the teaching plan and resources have been jointly examined and approved by the appropriate faculty of the school of allied health professions and the staff of the hospital.

(3) Which is accredited or assured accreditation by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

(n) "School of medicine," "school of dentistry," "school of osteopathy," "school of pharmacy," "school of optometry," "school of podiatry," "school of veterinary medicine," and "school of public health" means a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dental surgery or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of podiatry or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school, and is accredited or assured accreditation by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

(o) "School of nursing" means a collegiate, associate degree, or diploma school of nursing, as those terms are defined below:

(1) The term "collegiate school of nursing" means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited;

(2) The term "associated degree school of nursing" means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college or university is accredited;

(3) The term "diploma school of nursing" means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

(4) The term "accredited" as used in this subsection when applied to any program of nurse education means a program accredited or assured accreditation by a recognized body or bodies, or by a State agency, approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited or assured accreditation by a recognized body or bodies, or by a state agency, approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

(p) "Secretary" means the Secretary of Health, Education, and Welfare and any other Officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(q) "Service" means the Indian Health Service.

(r) "State or local government" means any public health or educational entity which is included within the definition of State or local government in 45 CFR 74.3 and Indian tribes or tribal organizations.

(s) "Tribal organization" means the elected governing body of any Indian tribe or any legally established organization of Indians which is controlled by one or more such bodies or by a board of directors elected or selected by one or more such bodies (or elected by the Indian population to be served by such organization) and which includes the maximum participation of Indians in all phases of its activities.

(t) "Urban center" means any city, with a population of 10,000 or more as determined by the United States Census Bureau, which the Secretary determines has a sufficient urban Indian population with unmet health needs to warrant assistance under Title V of the Act.

(u) "Urban Indian" means any individual who resides in an urban center, as defined in paragraph(s) of this section, and who meets one or more of the four criteria in paragraph (h) (1) through (4) of this section.

(v) "Urban Indian organization" means a nonprofit corporate body situated in an urban center which:

(1) Is composed of urban Indians;

(2) Has the provision of health programs as:

(i) Its principal function, or

(ii) One of its major functions and such health programs are administered by a distinct organizational unit within the organization.

(3) Is governed by a board of directors composed of urban Indians elected or appointed in accordance with the articles of incorporation and bylaws of the organization;

(4) Provides for the maximum participation of all interested Indian groups and individuals; and

(5) Is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in § 36.350(a) of Subdivision J–6 of this subpart. Except, that criteria (2) and (3) of this subsection shall not apply to an organization administering an urban Indian health project under a contract with the Secretary prior to October 1, 1977, for the period of such contract or until July 1, 1978, whichever is later.

§ 36.303 Indians applying for scholarships.

(a) For purposes of scholarship grants under Subdivisions J–3 and J–4 of this subpart, Indian applicants must submit evidence of their tribal membership (or other evidence that the applicant is an Indian as defined in paragraph (h) of § 36.302 of this subdivision) satisfactory to the Secretary.

(b) Where an applicant is a member of a tribe recognized by the Secretary of the Interior, the applicant must submit evidence of his or her tribal membership, such as:

(1) Certification of tribal enrollment by the Secretary of the Interior acting through the Bureau of Indian Affairs (BIA); or

(2) In the absence of such BIA certification, documentation that the applicant meets the requirements of tribal membership as prescribed by the charter, articles of incorporation or other legal instrument of the tribe and has been officially designated a tribal member by an authorized tribal official; or

(3) Other evidence of tribal membership satisfactory to the Secretary.

(c) Where the applicant is a member of a tribe terminated since 1940 or a State recognized tribe, the applicant must submit documentation that the applicant meets the requirements of tribal membership as prescribed by the charter, articles of incorporation or other legal instrument of the tribe and has been officially designated a tribal member by an authorized tribal official; or other evidence, satisfactory to the Secretary, that the applicant is a member of the tribe. In addition, if the terminated or State recognized tribe of which the applicant is a member is not on a list of such tribes published by the Secretary in the FEDERAL REGISTER, the applicant must submit documentation as may be required by the Secretary that the tribe is a tribe terminated since 1940 or is recognized by the State in which the tribe is located in accordance with the law of that State.

(d) An applicant who is not a tribal member, but who is a natural child or grandchild of a tribal member as defined in paragraph (h) of § 36.302 of this subdivision must submit evidence of such fact which is satisfactory to the Secretary, in addition to evidence of his or her parent's or grandparent's tribal membership in accordance with paragraphs (b) and (c) of this section.

§ 36.304 Publication of a list of allied health professions.

The Secretary, acting through the Service, shall publish from time to time in the FEDERAL REGISTER a list of the allied health professions for consideration for the award of preparatory and Indian Health scholarships under subdivisions J–3 and J–4 of this Subpart, based upon his determination of the relative needs of Indians for additional service in specific allied health professions. In making that determination, the needs of the Service will be given priority consideration.

§ 36.305 Additional conditions.

The Secretary may, with respect to any grant award under this subpart, impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

NOTE.—*Nondiscrimination.* (a) Grants and contracts under this subpart are exempted from the requirements of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d), prohibiting discrimination on the basis of race, color or national origin, by regulation at 45 CFR 80.3(d) which provides, with respect to Indian Health Services, that "An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his."

(b) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SUBDIVISION J–2—HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS

§ 36.310 Health professions recruitment grants.

Grants awarded under this subdivision, in accordance with section 102 of the Act, are for the purpose of assisting in meeting the costs of projects to:

(a) Identify Indians with a potential for education or training in the health professions and encouraging and assisting them (1) To enroll in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, nursing, or allied health professions; or (2), if they are not qualified to enroll in any such school, to undertake such post-secondary education or training as may be required to qualify them for enrollment;

(b) Publicize existing sources of financial aid available to Indians enrolled in any school referred to in paragraph (a)(1) of this section or who are undertaking training necessary to qualify them to enroll in any such school; or

(c) Establish other programs which the Secretary determines will enhance and facilitate the enrollment of Indians, and the subsequent pursuit and completion by them of courses of study, in any school referred to in paragraph (a)(1) of this section.

§ 36.311 Eligibility.

Any Indian tribe, tribal organization urban Indian organization, Indian health organization or any public or other nonprofit private health or educational entity is eligible to apply for a health professions recruitment grant under this subdivision.

§ 36.312 Application.

(a) An application for a health professions recruitment grant under this subdivision shall be submitted to the Secretary at such time and in such form and manner as the Secretary acting through the Service may prescribe.[1]

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subdivision.

---

[1] Applications and instructions may be obtained from the appropriate Indian Health Service Area or Program Office or by writing the Director, Indian Health Service, Room 5A–55, 5600 Fishers Lane, Rockville, Maryland 20857.

(c) In addition to such other pertinent information as the Secretary may require, the application for a health professions recruitment grant shall contain the following:

(1) A description of the legal status and organization of the applicant;

(2) A description of the current and proposed participation of Indians (if any) in the applicant's organization.

(3) A description of the target Indian population to be served by the proposed project and the relationship of the applicant to that population;

(4) A narrative description of the nature, duration, purpose, need for and scope of the proposed project and of the manner in which the applicant intends to conduct the project including:

(i) Specific measurable objectives for the proposed project;

(ii) How the described objectives are consistent with the purposes of section 102 of the Act;

(iii) The work and time schedules which will be used to accomplish each of the objectives;

(iv) A description of the administrative, managerial, and organizational arrangements and the facilities and resources to be utilized to conduct the proposed project;

(v) The name and qualifications of the project director or other individual responsible for the conduct of the project; the qualifications of the prinicipal staff carrying out the project; and a description of the manner in which the applicant's staff is or will be organized and supervised to carry out the proposed project;

(5) An itemized budget for the entire project period for which support is sought and justification of the amount of grant funds requested;

(6) The intended financial participation, if any, of the applicant in the proposed project specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space, materials or facilities or other contributions;

(7) When the target population of a proposed project includes a particular Indian tribe or tribes, an official document in such form as is prescribed by the tribal governing body of each such tribe indicating that the tribe or tribes will cooperate with the applicant.

(d) In the case of proposed projects for identification of Indians with a potential for education or training in the health professions, applications must include a method for assessing the potential of interested Indians for undertaking necessary education or training in the health professions. Proposed projects may include, but are not limited to, the following activities:

(1) Identifying Indian elementary and secondary school students through observations, aptitude or other testing, academic performance, performance in special projects and activities, and other methods as may be designed or developed;

(2) Identifying Indians in college or university programs, related employment, upward mobility programs or other areas of activity indicative of interest and potential;

(3) Review of the upward mobility plans, skills banks etc. of organizations employing Indians to identify individuals with appropriate career orientations, expression of interest, or recognized potential;

(4) Conducting workshops,, health career days, orientation projects or other activities to identify interested Indians at any age level;

(5) Performing liaison activities with Indian professional organizations, Indian education programs (including adult education), Indian school boards, Indian parent, youth recreation or community groups, or other Indian special interest or activity groups;

(6) Identifying those Indians with an interest and potential who cannot undertake compensatory education or training in the health professions because of financial need.

(e) Proposed projects designed to encourage and assist Indians to enroll in health professions schools; or, if not qualified to enroll, to undertake post-secondary education or training required to qualify them for enrollment may include, but are not limited to, the following activities:

(1) Providing technical assistance and counseling to encourage and assist Indians identified as having a potential for education or training in the health professions—

(i) To enroll in health professions schools.

(ii) To undertake any post-secondary education and training required to qualify them to enroll in health professions schools, and

(iii) To obtain financial aid to enable them to enroll in health professions schools or undertake post-secondary education or training required to qualify them to enroll in such schools;

(2) Conducting programs to (i) identify factors such as deficiencies in basic communication, research, academic subject matter (such as science, mathematics, etc.), or other skills which may prevent or discourage Indians from enrolling in health professions schools or undertaking the post-secondary education or training required to qualify them to enroll, and (ii) provide counseling and technical assistance to Indians to assist them in undertaking the necessary education, training or other activities to overcome such factors.

(f) Proposed projects to publicize existing kinds of financial aid available to Indians enrolled in health professions schools or to Indians undertaking training necessary to qualify them to enroll in such schools may include, but are not limited to, the following activities:

(1) Collecting information on available sources of financial aid and disseminating such information to Indian students, Indians, recruited under programs assisted by grants under this subdivision and to Indian tribes, tribal organizations, urban Indian organizations, Indian health organizations and other interested groups and communities throughout the United States;

(2) Providing information on available sources of financial aid which can be utilized by programs and counselors assisting Indians to obtain financial aid.

(g) Proposed projects for establishment of other programs which will enhance or facilitate enrollment of Indians in health professions schools and the subsequent pursuit and completion by them of courses of study in such schools may include, but are not limited to, the following activities:

(1) Compilation and dissemination of information on—(i) Health professions education or training programs and the requirements for enrollment in such programs; and

(ii) Post-secondary education or training curricula and programs designed to qualify persons for enrollment in health professions schools;

(2) Developing and coordinating career orientation programs in local schools (including high schools) and colleges and universities;

(3) Developing programs to enable Indians to gain exposure to the health professions such as arranging for (i) visits to health care facilities and programs and meetings or seminars with health professionals, (ii) part-time summer or rotating employment in health care facilities, programs, or offices of health professionals, (iii) volunteer programs, or (iv) other means of providing such exposure;

(4) Developing programs which relate tribal culture and tradition, including native medicine, to careers in the health professions; and

(5) Developing programs to make Indians aware of projected health manpower needs, expected employment opportunities in the health professions, and other factors in order to orient and motivate Indians to pursue careers in the health professions.

§ 36.313 Evaluation and grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, acting through the Service, may award health professions recruitment grants to those eligible applicants whose proposed projects will in his judgment best promote the purposes of section 102 of the Act, taking into consideration:

(1) The potential effectiveness of the proposed project in carrying out such purposes;

(2) The capability of the applicant to successfully conduct the project;

(3) The accessibility of the applicant to target Indian communities or tribes, including evidence of past or potential cooperation between the applicant and such communities or tribes;

(4) The relationship of project objectives to known or anticipated Indian health manpower deficiencies;

(5) The soundness of the fiscal plan for assuring effective utilization of grant funds;

(6) The completeness of the application.

(b) Preference shall be given to applicants in the following order of priority: (1) Indian tribes, (2) tribal organizations, (3) urban Indian organizations and other Indian health organizations, and (4) public and other nonprofit private health or educational entities.

(c) The amount of any award under this subdivision will be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either: (1) On the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(d) All grant awards shall be in writing, and shall set forth the amount of funds granted and the period for which support is provided.

(e) Neither the approval of any project nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application at such times and in such form as the Secretary may dictate.

§ 36.314 Payment and use of funds.

(a) The Secretary acting through the Service will make payments to a grantee either by way of reimbursement for expenses incurred in the project period, or in advance for expenses to be incurred, to the extent he determines such payments are necessary to promptly initiate and conduct the approved project.

(b) Any funds granted under this subdivision shall be used solely for carrying out the approved project in accordance with section 102 of the Act, the regulations of this subdivision, and the terms and conditions of the grant award.

§ 36.315 Publication of list of grantees and projects.

The Secretary acting through the Service shall publish annually in the FEDERAL REGISTER a list of organizations receiving grants under this subdivision including for each grantee:

(a) The organization's name and address

(b) The amount of the grant

(c) A summary of the project's purposes and its geographic location.

§ 36.316 Alteration or renovation.

Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965) as amended, and with applicable rules, regulations, and procedures prescribed under that Order.

§ 36.317 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart except that when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total or selected elements of the reimbursable direct costs incurred.

(b) *Grant closeout.*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraph (a) of this section; and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successor or assigns by setoff or other action as provided by law.

§ 36.318 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 36.319 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles shall apply to all grants under this subpart to State and local governments. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subdivision:

SUBPART

A—General.
B—Cash Depositories.
C—Bonding and Insurance.
D—Retention and Custodial Requirements for Records.
F—Grant-Related Income.
K—Grant Payment Requirements.
L—Budget Revision Procedures.
M—Grant Closeout, Suspension, and Termination.
O—Property.
Q—Cost Principles.

SUBDIVISION J–3.—HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS

§ 36.320 Preparatory scholarship grants.

Scholarship grants may be awarded under this subdivision and section 103 of the Act for the period (not to exceed two academic years) necessary to complete a recipient's compensatory preprofessional education to enable the recipient to qualify for enrollment or re-enrollment in a health professions school. Examples of individuals eligible for such grants are the individual who:

(a) Has completed high school equivalency and needs compensatory preprofessional education to enroll in a health professions school;

(b) Has a baccalaureate degree and needs compensatory preprofessional education to qualify for enrollment in a health professions school; or

(c) Has been enrolled in a health professions school but is no longer so enrolled and needs preprofessional education to qualify for readmission to a health professions school.

§ 36.321 Eligibility.

To be eligible for a preparatory scholarship grant under this subdivision an applicant must:

(a) Be an Indian;

(b) Have successfully completed high school education or high school equivalency;

(c) Have demonstrated to the satisfaction of the Secretary the desire and capability to successfully complete courses of study in a health professions school;

(d) Be accepted for enrollment in or be enrolled in any compensatory preprofessional education course or curriculum meeting the criteria in § 36.320 of this subdivision;

(e) Be a citizen of the United States.

§ 36.322 Application and selection.

(a) An application for a preparatory scholarship grant under this subdivision shall be submitted in such form and at such time as the Secretary acting through the Service may prescribe.[3] However, an application must indicate: (1) The health profession which the applicant wishes to enter and (2) whether the applicant intends to provide health services to Indians upon completion of health professions education or training by serving as described in section 36.333 or otherwise as indicated on the application.

(b) Within the limits of funds available for the purpose, the Secretary, acting through the Service, shall make scholarship grant awards for a period not to exceed two academic years of an individual's compensatory preprofessional education to eligible applicants taking into consideration:

(1) Academic performance;

(2) Work experience;

(3) Faculty recommendations;

(4) Stated reasons for asking for the scholarship; and

(5) The relative needs of the Service and Indian health organizations for persons in specific health professions.

§ 36.323 Scholarship and tuition.

(a) Scholarship grant awards under this subdivision shall consist of:

(1) A stipend of $400 per month adjusted in accordance with paragraph (c) of this section;

(2) An amount determined by the Secretary for transportation, tuition, fees, books, laboratory expenses and other necessary educational expenses.

(b) The portion of the scholarship for the costs of tuition and fees as indicated in the grant award will be paid directly to the school upon receipt of an invoice from the school. The stipend and remainder of the scholarship grant award will be paid monthly to the grantee under the conditions specified in the grant award.

(c) The amount of the montly stipend specified in paragraph (a)(1) of this section shall be increased by the Secretary for each academic year ending in a fiscal year beginning after September 30, 1978, by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5303 of Title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such academic year ends.

§ 36.324 Publication of a list of recipients.

The Secretary, acting through the Service, will publish annually in the FEDERAL REGISTER a list of recipients of scholarship grants under this subdivision, including the name of each recipient, tribal affiliation and school.

[3] Applications and instructions may be obtained from the appropriate Indian Health Service Area or Program Office.

SUBDIVISION J–4—INDIAN HEALTH SCHOLARSHIP PROGRAM

§ 36.330 Indian health scholarships.

Indian Health Scholarships will be awarded by the Secretary pursuant to Subpart IV of Part C of Title VII of the Public Health Service Act, and such implementing regulations as may be promulgated by the Secretary except as set out in this subdivision for the purpose of providing scholarships to Indian and other students at health professions schools in order to obtain health professionals to serve Indians.

§ 36.331 Selection.

(a) The Secretary, acting through the Service, shall determine the individuals who receive Indian Health Scholarships.

(b) Priority shall be given to applicants who are Indians.

§ 36.332 Service obligation.

The service obligation provided in Section 757(b)(2) of the Public Health Service Act shall be met by the recipient of an Indian Health Scholarship by service in:

(a) The Indian Health Service.

(b) An urban Indian organization assisted under Subdivision J–6.

(c) In private practice of his or her profession if, the practice (1) Is situated in a health manpower shortage area, designated under section 332 of the Public Health Service Act and (2) addresses the health care needs of a substantial number of Indians as determined by the Secretary in accordance with guidelines of the Service.

§ 36.333 Distribution of scholarships.

The Secretary, acting through the Service, shall determine the distribution of Indian Health Scholarships among the health professions based upon the relative needs of Indians for additional service in specific health professions. In making that determination the needs of the Service will be given priority consideration. The following factors will also be considered:

(a) The professional goals of recipients of scholarships under section 103 of the Indian Health Care Improvement Act;

(b) The professional areas of study of Indian applicants.

§ 36.334 Publication of a list of recipients.

The Secretary, acting through the Service, will publish annually in the FEDERAL REGISTER a list of recipients of Indian Health Scholarships, including the name of each recipient, tribal affiliation if applicable, and school.

SUBDIVISION J–5.—CONTINUING EDUCATION ALLOWANCES

§ 36.340 Provision of continuing education allowances.

In order to encourage physicians, dentists and other health professionals to join or continue in the Service and to provide their services in the rural and remote areas where a significant portion of the Indian people reside the Secretary, acting through the Service, may provide allowances to health professionals, employed in the Service in order to enable them to leave their duty stations for not to exceed 480 hours of professional consultation and refresher training courses in any one year.

SUBDIVISION J–6.—CONTRACTS WITH URBAN INDIAN ORGANIZATIONS

§ 36.350 Contracts with Urban Indian organizations.

(a) The Secretary, acting through the Service, to the extent that funds are available for the purpose, shall contract with urban Indian organizations selected under § 36.351 of this subdivision to carry out the following activities in the urban centers where such organizations are situated:

(1) Determine the population of urban Indians which are or could be recipients of health referral or care services;

(2) Identify all public and private health service resources within the urban center in which the organization is situated which are or may be available to urban Indians;

(3) Assist such resources in providing service to such urban Indians;

(4) Assist such urban Indians in becoming familiar with and utilizing such resources;

(5) Provide basic health education to such urban Indians;

(6) Establish and implement manpower training programs to accomplish the referral and education tasks set forth in subparagraphs (3) through (5) of this paragraph;

(7) Identify gaps between unmet health needs of urban Indians and the resources available to meet such needs;

(8) Make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

(9) Provide or contract for health care services to urban Indians where local health delivery resources are not available, not accessible, or not acceptable to the urban Indians to be served.

(b) Contracts with urban Indian organizations pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 as amended, (The Miller Act, 40 U.S.C. 270a et seq. which is concerned with bonding requirements).

(c) Payments under contracts may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of Title V of the Act.

(d) Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract made by him with such orga-

nization pursuant to this subdivision as necessary to carry out the purposes of Title V of this Act: Provided, however, that whenever an urban Indian organization requests retrocession of the Secretary for any such contract, retrocession shall become effective upon a date specified by the Secretary not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

(e) In connection with any contract made pursuant to this subdivision, the Secretary may permit an urban Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

§ 36.351 Application and selection.

(a) Proposals for contracts under this subdivision shall be submitted in such form and manner and at such time as the Secretary acting through the Service may prescribe.

(b) The Secretary, acting through the Service shall select urban Indian organizations with which to contract under this subdivision whose proposals will in his judgment best promote the purposes of Title V of the Act taking into consideration the following factors:

(1) The extent of the unmet health care needs of the urban Indians in the urban center involved determined on the basis of the latest available statistics on disease incidence and prevalence, life expectancy, infant mortality, dental needs, housing conditions, family income, unemployment statistics etc.

(2) The urban Indian population which is to receive assistance in the following order of priority:

(i) 1,000 or more;
(ii) 4,500 to 9,000;
(iii) 3,000 to 4,500;
(iv) 1,000 to 3,000;
(v) under 1,000

(3) The relative accessibility which the urban Indian population to be served has to health care services, in the urban center. Factors to be considered in determining relative accessibility include:

(i) Cultural barriers;
(ii) Discrimination against Indians;
(iii) Inability to pay for health care;
(iv) Lack of facilities which provide free care to indigent persons;
(v) Lack of state or local health programs;
(vi) Technical barriers created by State and local health agencies;
(vii) Availability of transportation to health care services;
(viii) Distance between Indian residences and the nearest health care facility.

(4) The extent to which required activities under § 36.350(a) of this subdivision would duplicate any previous or current public or private health services projects in the urban center funded by another source. Factors to be considered in determining duplication include:

(i) Urban Indian utilization of existing health services funded by other sources;
(ii) Urban Indian utilization of existing health services delivered by an urban Indian organization funded by other sources.

(5) The appropriateness and likely effectiveness of the activities required in § 36.350(a) of this subdivision in the urban center involved.

(6) The capability of the applicant urban Indian organization to perform satisfactorily the activities required in § 36.350(a) of this subdivision and to contract with the Secretary.

(7) The extent of existing or likely future participation in the activities required in § 36.350(a) of this subdivision by appropriate health and health related Federal, State, local, and other resource agencies.

(8) Whether the city has an existing urban Indian health program.

(9) The applicant organization's record of performance, if any, in regard to any of the activities required in § 36.350 (a) of this subpart.

(10) Letters demonstrating local support for the applicant organization from both the Indian and non-Indian communities in the urban center involved.

§ 36.352 Fair and uniform provision of services.

Contracts with urban Indian organizations under this subdivision shall incorporate the following clause:

The Contractor agrees, consistent with medical need, and the efficient provision of medical services to make no discriminatory distinctions against Indian patients or beneficiaries of this contract which are inconsistent with the fair and uniform provision of services.

§ 36.353 Reports and records.

For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract under this title, such organization shall submit to the Secretary a report including information gathered pursuant to § 36.350(a) (7) and (8) of this subdivision, information on activities conducted by the organization pursuant to the contract, an accounting of the amounts and purposes for which Federal funds were expended, and such other information as the Secretary may request. The reports and records of the urban Indian organization with respect to such contract shall be subject to audit by the Secretary and the Comptroller General of the United States.

SUBDIVISION J–7.—LEASES WITH INDIAN TRIBES

§ 36.360 Leases with Indian tribes.

(a) Any land or facilities otherwise authorized to be acquired, constructed, or leased to carry out the purposes of the Act may be leased or subleased from Indian tribes for periods not in excess of twenty years.

(b) Leases entered into pursuant to paragraph (a) shall be subject to the requirements of section 322 of the Economy Act (40 U.S.C. 278a), which limits expenditures for rent and alterations, improvements and repairs on leased buildings.

[FR Doc.77–33119 Filed 11–17–77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

SMALL CITIES PROGRAM

Community Development Block Grants

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community, Planning and Development

[24 CFR Part 570]

[Docket No. R-77-485]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Small Cities Program

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed Rulemaking.

SUMMARY: This proposed rulemaking proposes revisions to HUD's discretionary grant program for small cities. As a result of statutory changes in the Housing and Community Development Act of 1977, the program is now expanded and is redesignated the Small Cities Program.

DATES: Comments must be received on or before: December 19, 1977.

ADDRESS: Comments should be addressed to: Office of the Rules Docket Clerk, Office of the General Counsel, room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

James Forsberg, Program Standards Division, Office of Community Development, Washington, D.C. 20410, 202-755-6304.

SUPPLEMENTARY INFORMATION: Subpart F, (formerly Grant Administration) has been redesignated the subpart for the Small Cities Program. Regulations governing the discretionary balances grants, now referred to as the Small Cities Program, were previously contained in Subpart E, §§ 570.400 thru 570.402, which the Department published in the FEDERAL REGISTER on October 18, 1976.

Substantial changes in the Small Cities Program are necessitated by Section 106 of the Housing and Community Development Act of 1977 which, for the first time, provides the Department with specific guidance in the use of the discretionary balances authorized under Section 106 (c) and (f)(1) of the Housing and Community Development Act of 1974.

PROGRAM OBJECTIVES

Since the demand for Small Cities funds far exceeds the amount of funds available, the Department has developed a set of subobjectives, based on the broader objectives of the Act, that it hopes to achieve with these funds. The Department will select from among the applicants those communities with the greatest need as expressed in terms of poverty and substandard housing, and whose programs and projects are designed to impact most significantly on the identified needs and which will result in the greatest benefit to low- and moderate-income families residing within the community while addressing the Department's objectives.

PROGRAM DESIGN

The Small Cities Program is composed of two basic elements: the Comprehensive Program and the Non-Comprehensive Program. The latter is referred to as the Single Purpose Grants Program. Single Purpose Grants may be provided to undertake a single activity, or a number of activities which do not meet the definition of a comprehensive program.

The comprehensive program is designed to address multiple community development needs of a community by providing grants sufficient in size to permit a community to undertake a major program to respond to a substantial portion of all its physical development needs within a defined area such as neighborhood revitalization, community facilities and public improvements, and economic development.

FUNDING METHODS

A comprehensive program may be funded in two ways:

1. Sufficient funds to complete the program as described by the applicant will be made available from one year's appropriation; or

2. A portion of funds will be made available from appropriations for the fiscal year in which the initial application is approved and additional funds made available in subsequent fiscal years, for up to two additional years. The funds provided in total will be sufficient to complete the entire comprehensive program as described in the initial application. Funding in the second and third years of the program will be dependent upon the availability of funds, as well as the performance of the community in carrying out the program. The multiyear approach will permit a community to undertake a substantially larger program to deal with its community development needs than would be possible with a single funding. The decision to provide either a multiyear commitment or a single funding will depend, in addition to the program itself, on several other variables described in §§ 570.420(f) and 570.423(c).

Funds will be provided for the Comprehensive and Single Purpose Grants within each Area Office's jurisdiction, based generally on the demand for such funds. However, since the Department has no historical data which would permit it to determine exactly the anticipated demand, and in order to provide interested applicants an estimate of the amount of funds that might be available for each program within both metropolitan and non-metropolitan areas, the Area Office will initially reserve 30 percent of the funds for each program, and the remaining 40 percent will then be divided between the two programs following receipt of preapplications. It is anticipated that demand will, in most instances, at least equal the 30 percent reservation. Because some Area Offices do not have balances that lend themselves to this division, waivers to this general policy will be made.

INDIVIDUAL GRANT AMOUNTS

The Department does not intend to establish individual grant amounts for the Small Cities Program based on a strict formula. Instead consideration will be given to the amount of funds available within a State, the number of hold harmless communities phasing down within that State, the total amount of phase down, the amount of hold harmless remaining within a community, the program described by the applicant, anticipated capacity of the applicant and the need of the applicant.

Because of the variance in balance amounts available within each State, the Department will also not establish national minimum or maximum grants. However, Regional Administrators will be authorized to establish such limits within each Area Office's jurisdiction, after consultation with the Area Office, based on an approach they feel is most appropriate for each situation. Single maximum and minimum amounts may be established for each Area Office, or amounts may be determined on a sliding scale based on population or other measurable factors.

The Department intends to fund substantially larger projects which are multifaceted and more comprehensive in scope, address a significant portion of an applicant's needs, and will have more meaningful long-term impact on the community than has been the practice in previous years. Applicants, therefore, are encouraged to design projects with such an approach in mind and which are consistent with their administrative capacity. This should result in significantly larger grants being provided.

Because of the two methods of funding that may be used for the Comprehensive Program, and considering the amount of funds available within the metropolitan and nonmetropolitan areas, an Area Office may desire to negotiate the method of funding with an applicant, as well as the grant amount to be provided. Program adjustments may be required as long as they do not disturb the integrity of the program described by the applicant or substantially change the rating the applicant received.

APPLICATIONS FOR SPECIFIC PROGRAMS

Applicants will decide which approach, comprehensive or single purpose, would be most appropriate for their needs and apply for such funds. A single unit of government may only apply for funds from one of the programs. However, if, following receipt of the preapplication, the Department determines that an applicant which has applied for a Comprehensive Grant, does not, in fact, have a comprehensive program, HUD will consider the request under the Single Purpose Grants Program. On the other hand, requests for Single Purpose Grants will only be considered in the Single Purpose Grants Program based on the assumption that the community itself does

not deem its effort to be comprehensive and would prefer to approach its needs through the Single Purpose Grants Program.

ELIGIBLE APPLICANTS

Eligible applicants for both programs are States and units of general local government, excluding Indian tribes and native Americans, metropolitan cities, and urban counties, (including those units of general local government which are included in the Urban County as described in § 570.105(b)(1)(ii) and (iii). Applications from States or counties on behalf of themselves and other units of government, as well as joint applications from multiple units of general local government are encouraged. This approach should provide an opportunity for the smaller communities to overcome deficiencies in capacity as well as achieve economies of scale for administrative and other overhead costs. Additionally, this approach should assist the Department in achieving its objective of providing larger grants for projects addressing the more comprehensive needs of a community.

PREAPPLICATION

The selection process will involve the use of preapplications in which the applicant is to provide sufficient documented information to enable the Area Office to rate the proposal against the selection criteria and invite full applications from those communities that rate the highest. Only those applicants scoring sufficiently high to be approved with available funds will be invited to submit full applications.

APPLICATION THRESHOLD FACTORS

The Department intends to establish different threshold requirements for access to the two programs. Any community may apply for a Single Purpose Grant. However, a community which has received a discretionary grant previously must have substantially completed that project before it will be permitted to apply for a Single Purpose Grant. Because the demand for community development funds far exceeds the amount available, this will permit new communities to begin meeting their needs while other communities are still using funds previously provided. Since the Single Purpose Grant Program is basically designed for the smaller communities, it is believed that this approach will discourage communities from trying to undertake more programs than they can successfully handle, and thus avoid an unnecessary burden on the local administrative staff.

To apply for a comprehensive program, a community must have a population of at least 2,500, have carried out a community development program previously with community development block grant funds provided under this Act, and have performed satisfactorily with respect to community development activities and housing. Criteria have been established which will be used to assess a community's performance. Waivers to the population threshold will be made in certain instances. In addition to the foregoing factors, a community must be carrying out a comprehensive programs to be eligible for a multi-year commitment.

The three elements of the Small Cities Program result in a logical program progression. The initial entry level is the Single Purpose Grant. After a community has established a track record of satisfactory performance, gained familiarity with the Block Grant Program, and demonstrated capacity to carry out a successful program, it may then apply for a comprehensive grant, which is more complex, addresses more problems, and thus is more difficult to administer. Once a recipient has demonstrated its ability to carry out a comprehensive program, the Department will consider permitting that community to seek multiyear commitments, which by their nature will permit the community to undertake an even larger, more comprehensive program, that is generally more difficult to administer.

SELECTION CRITERIA

The Department will establish a national rating system to be used in selecting among applicants for the Small Cities Program. The system is designed to permit a community to determine its own needs in the areas of housing, public facilities, and economic development, and design a program or activity to address those needs. The system will consider the potential impact the program or activity has on the need, by comparing applications addressing similar needs. The Department believes it is necessary to assess each community's program or activity to ensure to the extent possible that the best applications are selected for funding.

The rating criteria will use four general descriptive terms (none, minimal, moderate, or substantial) to assess the potential impact the program or activity will have on the need or selection criteria being addressed. The Department does not believe that it is feasible to establish quantifiable criteria that can be used to assess each and every activity, or combination of activities, that could be developed under the Block Grant program. This approach should permit the Department to identify those activities or programs that are clearly superior and which hold the best promise for resolving the needs to be addressed, as well as identifying those activities or programs that clearly will not be successful or impact significantly on the needs.

In assessing and comparing the programs, consideration will be given to the amounts of funds being sought, the results to be achieved with those funds, additional or subsequent action that may be required to make the effort totally successful, previous actions that have been taken that would contribute to the success of the effort, and any other program considerations that might impinge upon or contribute to the successful accomplishment of the criteria, such as site and neighborhood standards for housing (where appropriate), environmental concerns, or availablility of housing allocations within that area.

Other selection factors will be the needs of the applicant as identified in terms of substandard housing and poverty. These factors will be considered both in absolute numbers and proportion, with emphasis placed on the absolute amount of need. Proportion is included to give recognition to those communities where the need represents a substantial portion of a community's housing or population.

The selection system will also consider the extent to which the proposal benefits low- and moderate-income persons, based in both absolute numbers and as a proportion of a community's total low and moderate income need. The Department will have to rely on the applicant for these data since there are no national data available that break down into the smaller geographic areas that need to be considered when examining benefits. Therefore, to accomplish this objective, applicants will have to provide the Department with the methodology they used to determine benefits. Existing data sources, such as areawide analyses, State plans or needs assessment, should be used wherever possible. Area Offices may reject or modify a claim for benefit if they feel it is not substantiated by as careful and systematic an assessment as could have been made.

Consideration will also be given to the past performance of a community with respect to equal opportunity and housing, but only to recognize and reward the truly outstanding performers. Prudent use of this factor is expected and all Area Offices will be required to document those cases where such points have been awarded, citing the specific actions or successes of the community that led to the award. The documentation should also contain evidence of the comparative analysis that was made, if any, to support the judgment.

The Single Purpose Grant system will also give additional recognition to programs that effectively address other factors, such as implementing a housing opportunity plan and improving a community's position as a regional center.

RANKING SYSTEM

The selection system this fiscal year will rely on a system of ranking and then grouping within the ranking to award points for the selection factors. This method is designed to recognize that a totally scientific system is not possible since results and the impact of a program on the quality of life of the beneficiaries cannot be measured with absolute certainty, and specific measurable and quantifiable criteria cannot be established for the many varied activities and programs that could be designed by applicants. Judgments will be required to be made, based on the information contained in the application, as well as the general knowledge and professional competence of those doing the rating.

Following the rating and ranking of all preapplications, the Department will select for funding those that have received the highest total score, based on the scores received on the individual selection factors.

Those communities that are currently receiving a hold harmless grant that is phasing out will receive special consideration since the threshold factor that limits consideration for multiyear commitments to those communities that are carrying out comprehensive community development programs will limit the competition for multiyear commitments principally to the hold harmless phase out communities. Additionally, the possibility of designing a program which more effectively addresses the selection criteria is increased by the nature of the multiyear commitment. Moreover, in the event two communities receive the same score under the selection process, and funds are available to fund only one of the two, the hold harmless phase out community will be selected.

APPLICATION REQUIREMENTS

Because the approach to be taken by communities to address their community development needs envisioned for the comprehensive program is very similar to the approach to be used by entitlement communities, the same application and Housing Assistance Plan requirements are applied to each. However, consistent with the Congressional intent, a simplified application and Housing Assistance Plan will be developed for the Single Purpose Grants Program.

CITIZEN PARTICIPATION

The citizen participation requirements for the Comprehensive Program are the same as those applied to the entitlement program. However, because the Single Purpose Grant Program is basically designed for smaller communities, simplified citizen participation requirements will be used.

STATE PARTICIPATION

The Department intends to implement the provision of Section 104(e) of the Housing and Community Development Act of 1977 which permits the Secretary to provide an opportunity for States to participate in the selection process for discretionary grants. Since the Department is also preparing an urban regional strategy which includes a role for States, § 570.422 is reserved for publication at a later date, pending development of that strategy.

State involvement will be encouraged to assist small communities to meet housing and community development needs in the context of State and regional planning strategies and to better coordinate State programs with Federal programs. Depending on a State's demonstrated commitment to meeting the needs of its small communities, the degree of State participation can range from actually assisting the Department in the selection process, to providing information and advice, to providing A–95 comments.

Comments are requested on workable State roles and on criteria to be used in establishing levels of state participation. Such criteria should reflect explicit evidence of a State's interest through its legislative, financial, technical assistance and resources allocation activities and its encouragement of cities, counties, regional planning organizations and individual agencies to address appropriate problems such as growth management, revitalization of older urban areas, economic development, employment needs, allocation of housing to meet low- and moderate-income and minority needs, fair and equal housing opportunities, and protection of natural resources.

Interested persons are invited to participate in the making of the final rule by submitting written comments or views on the proposed amendments. To facilitate HUD's consideration and review of written comments, reviewers are requested to clearly identify the subpart to which the comments are addressed. Comments should be filed with the Rules Docket Clerk, Room 5216, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant comments received on or before the date specified above will be considered before adoption of the final rule. Copies of comments will be available for examination during business hours at the above address.

Findings of Inapplicability with respect to Environmental Impact have been prepared in accordance with HUD Handbook 1390.1. In addition, a Finding of Inapplicability with respect to Economic Impact has been prepared in accordance with Executive Order 11821. Copies of these Findings are available for inspection and copying in the Office of the Rules Docket Clerk at the above address.

Accordingly, it is proposed to revise 24 CFR Part 570 by recodifying to read as follows:

Subpart F—Small Cities Program

Sec.

570.420 General.
570.421 Applications by States and Counties; Joint Applications.
570.422 State participation [Reserved].
570.423 Comprehensive Program general requirements.
570.424 Multiyear Commitments for Comprehensive Grants.
570.425 Requirements to be met to apply for a Comprehensive Grant.
570.426 Selection System for Comprehensive Grants.
570.427 Preapplications for Comprehensive Grants.
570.428 Application requirements for Comprehensive Grants.
570.429 Single Purpose Program General requirements.
570.430 Selection System for Single Purpose Grants.
570.431 Preapplication for Single Purpose Grants.
570.432 Applications for Single Purpose Grants.
570.433 Citizen Participation Requirements for Single Purpose Grants.
570.434 Single Purpose Grants for Imminent Threat to Public Health or or Safety.
570.435 HUD Review and actions on full applications for Single Purpose and Comprehensive Grants.
570.436 Program Amendments for Single Purpose and Comprehensive Grants.
570.437 Modified OMB Circular A–95 procedures for Small Cities Program.

AUTHORITY: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977, Pub. L. 95–128; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart F—Small Cities Program

§ 570.420 General.

(a) *Scope and Applicability of rules and regulations.* This Subpart describes the policies and procedures that will be used to implement the Small Cities Program. Funds for this program are those provided through the metropolitan and non-metropolitan balances described in § 570.101 in Subpart B of this part. Except as modified in this Subpart, the policies and procedures set forth in Subparts A, B, C, J, K, and O of this part, as well as those Sections of Subpart D of this part which are specifically cited in this Subpart shall apply to the Small Cities Program. The HUD Environmental Review Procedures contained in 24 CFR Part 58 also apply to this subpart.

(b) *Program objectives.* The Small Cities Program will provide grants to States and units of general local government in both metropolitan and non-metropolitan areas to undertake the same community development activities as may be funded in the entitlement grant program. The primary distinction between the two programs is that the Small Cities Program is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities demonstrating the greatest need as evidenced by poverty and substandard housing and whose applications most adequately address one or more of the following purposes:

(1) Support realistic and attainable strategies for expanding low and moderate income housing opportunities;

(2) Promote deconcentration of lower-income housing within housing market areas;

(3) Promote a more rational pattern of urbanization;

(4) Provide increased economic opportunities for low- and moderate-income persons;

(5) Address specific local high priority needs of low- and moderate-income families, particularly those needs related to deficient public facilities which affect the public health or safety especially within smaller communities.

(c) *Eligible applicants.* Eligible applicants are States and units of general local government, excluding metropolitan cities, urban counties, units of government which are included in urban counties, and Indian tribes and native Americans eligible for assistance under § 570.410. For the purpose of this subpart, a unit of general local government in-

cludes those entities described in § 570.403(b)(1) (2) and (3).

(d) *Types of grants.* To achieve these purposes, and recognizing that needs of communities vary widely, the Small Cities Program will consist of grants for two general type programs—Comprehensive and Single Purpose.

(1) *Comprehensive Program.* Grants will be made available to units of general local government within both metropolitan and nonmetropolitan areas for comprehensive community development programs designed to address multiple problems or purposes. HUD will provide the funds for a Comprehensive Program either on a one-time basis or in increments of up to three years. These commitments for an additional one or two years will be made only under certain circumstances, and to certain applicants, and will be subject to the appropriation of funds and contingent upon the community demonstrating satisfactory performance in carrying out the activities funded.

(2) *Single Purpose Grants Program.* Grants will be provided to undertake essentially one activity designed to address a specific need. The funding sought must be adequate to complete the proposed activity or if additional funding sources are involved, the funds in total must be sufficient to complete the activity. No multiyear commitments will be provided for Single Purpose Grants.

(e) *Distribution of funds between the comprehensive grants and the single purpose grants.*—(1) *General guidelines.* It is anticipated that demand within all metropolitan areas and the nonmetropolitan area within each State will generally amount to:

(i) A minimum of 30 percent of the funds for the Single Purpose Grants Program; and

(ii) A minimum of 30 percent of the funds for the Comprehensive Program;

(2) *Determining amounts for distribution between programs.* Grants will generally be divided between the two programs based on the relative dollar demand following receipt of preapplications. Within those States where the balances are split between Area Offices, the Regional Administrator will determine the amount to be made available to each Area Office, as well as the amount that will be appropriated for each program. HUD reserves the right to take into account the effect of the availability of funds on feasibility under both programs.

(i) In those instances where the metropolitan balance in a State is less than $1,000,000, or the nonmetro balance is less than $2,000,000, or where there are no applicants that meet the threshold requirements, the Area Director may apportion the funds in such manner as he deems appropriate.

(ii) Funds which have been reserved for imminent threats to health or safety will be considered as funds available for Single Purpose Grants.

(3) *Waiver provision.* Certain States have balances that do not lend themselves to the formula or exceptions described above. Waivers may be obtained in these cases.

(f) *Grant amounts.* Grants will be provided to the projects in amounts that will permit a comprehensive, thorough approach to the problem or problems faced by a community. Because of the varying amounts available within each State, and the different needs that exist within different regions and States, no national maximums or minimums will be established. However, maximum and minimum grants may be established within Regions so long as the amounts established do not preclude the accomplishment of the objective of funding projects which are truly comprehensive or which deal with a substantial portion of the need.

(1) Strict formulae will not be established for computation of grants under this Program, but grants provided through either the Comprehensive Program or the Single Purpose Program should bear a relationship to the population of the applicants; needs of the applicants; programs or activities for which the funds are sought; ability of the applicants to carry out such a program or activities; and previous funding levels of the applicants, if any, under this part.

(2) In determining grant amounts for communities currently entitled under the legislation, but subject to the phase out provisions, Area Offices will take into consideration such grants being provided during the same fiscal year for which the Small Cities grant is being sought.

(g) *Limitations on access to programs.* Applicants may only apply for a Comprehensive Grant or a Single Purpose Grant. In the case of preapplications for Comprehensive Grants where HUD determines a program is not comprehensive, the applicant will be so advised immediately and may have the activities considered individually under the Single Purpose Grants Program. The applicant must advise HUD of those activities it desires to be considered for selection.

(h) *Method of selecting grantees.* (1) HUD will establish national selection and rating systems for both the Comprehensive and Single Purpose Grants Programs which will identify those criteria to be considered in selecting among applicants. Preapplications are required for both programs which will be rated and ranked pursuant to §§ 570.426 and 570.430. Determinations with respect to the selection criteria will be made based on data submitted in preapplications. Applicants must provide HUD with the methodology used to obtain the data. Existing data sources, such as areawide analyses, State plans or needs assessments, should be used whenever possible. HUD may reject or modify a claim if, after review, it can demonstrate the claim was not justified or substantiated by as careful and systematic assessment as could have been made, or where there is existing data or plans with which the claims are plainly inconsistent. The system will reply to some extent, however, on the judgment of the Area Office staff in determining how each applicant and application addresses each of the selection criteria. Judgmental decisions made by the Area Offices will be documented and made available to any interested applicant.

(2) HUD will establish deadlines for submission of preapplications by publication of a Notice in the FEDERAL REGISTER.

(i) *Data.* Data used in this Subpart with respect to the needs factor in the selection criteria shall be the materials that HUD acquires from the United States Bureau of the Census for use in allocating funds pursuant to Subpart B of this part for the same fiscal year appropriation. However, a HUD Regional Office may authorize the use of updated data developed by a State agency for the entire nonmetropolitan area or all metropolitan areas of the State in lieu of Federal census data if the following criteria are met:

(1) The data have been updated in such a manner that they can be applied to all potential applicants in the nonmetropolitan or metropolitan areas of a State;

(2) The data are generally available and can be verified by HUD;

(3) The data can be submitted in a usable form no later than the deadline for submission of preapplications.

(j) *Previous audit findings.* HUD will not consider for funding any community that has an outstanding audit finding for a previous HUD program undertaken by the community or has an outstanding monetary obligation to HUD. Waivers to this prescription may be provided by the Regional Administrator, but in no instance shall a waiver be provided when funds are due HUD, unless a satisfactory arrangement for repayment of the debt has been made.

(k) *Program benefit to low- and moderate-income persons.* The primary objective of the Community Development Block Grant Program is to provide decent housing and a suitable living environment and expanded economic opportunities for persons of low- and moderate-income. Although the rating and selection process considers the degree to which proposed activities benefit such persons, the program or activities must be designed in such a manner to ensure that maximum feasible priority is given to activities which principally benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight.

§ 570.421 Applications by States and counties; joint applications.

(a) *General.* States and counties may apply for Single Purpose Grants or Comprehensive Grants for use in specific locations within metropolitan or nonmetropolitan areas in behalf of themselves or in behalf of other units of general local government. For purposes of this section, the term "county" does not include urban counties. The threshold provisions of §§ 570.425 and 570.429(b) apply to such applications.

(b) *Applications in behalf of others.* Applications by States and counties submitted in behalf of other units of general local government shall be pursuant to a written agreement between the county or State and the participating units of general local government. States, counties, and other units of general local government are urged to give serious consideration to this approach as a means to overcome lack of local administrative capability and as a way to achieve economies of scale with respect to staff and other overhead costs, as well as a means to develop larger programs more appropriately addressed to the Small Cities Program objectives.

(c) *Joint applications.* Units of general local government, including countries, may decide that the best approach to meeting community development needs would be to submit a joint application which would address common problems faced by the jurisdictions. Such applications will be subject to cooperation agreements and will be submitted by only one of the units of government designated as the lead unit for administrative purposes.

(d) *Limits on applying for assistance.* Units of general local government included in an application submitted by a State or county, or included in a joint application may not apply separately for assistance under this Subpart.

(e) *Data considerations.* For county, State, and joint applications, only data from those incorporated and unincorporated areas where community development activities are proposed to take place may be included for use in the selection criteria. When the accumulated population covered by these types of applications is substantially larger than the average population of the other applicants in the competition area, those preapplications should be part of a separate grouping for the purpose of ranking the needs factor.

(f) *Housing Assistance Plans.* (1) In those instances where there is a HUD-approved Housing Assistance Plan for units of general local government in which the State intends to carry out activities, the State need only indicate that it supports and subscribes to the Plan. In those instances where there is no approved Housing Assistance, Plan, the State shall submit as a part of its application the Plan it has developed for the locality and which has been adopted officially by the unit of general local government;

(2) When a joint application or application for assistance in behalf of a unit of general local government is submitted, the Housing Assistance Plan shall cover each unit of general local government included in the application as well as the unincorporated areas, excluding metropolitan cities and other units of general local governments with approved Housing Assistance Plans. A county Housing Assistance Plan must be consistent with any other approved Housing Assistance Plan within the county.

(g) *Urban counties and metropolitan cities.* A State or a county may not apply for funds provided under this subpart for use in a metropolitan city or an urban county, including any unit of general local government that is included in the urban county.

§ 570.422 State participation. [Reserved]

§ 570.423 Comprehensive Program general requirements.

(a) *Definition.* A comprehensive program is defined as a community development endeavor undertaken by a community which meets all of the following criteria.

(1) Addresses a substantial portion of the identifiable problems within the concentrated area to the maximum extent feasible;

(2) Involves two or more activities that bear a relationship to each other, which either in terms of support or necessity are carried out in a coordinated manner within a designated geographic area;

(3) Will have significant and beneficial impact on the residents of the area within a reasonable period of time;

(4) Was developed through a systematic assessment of the applicant's community development, housing, and economic needs; and

(5) Provides for lower income housing.

Exceptions to the requirement that the activities be concentrated within a designated geographic area may be made: *Provided,* The applicant can demonstrate to HUD's satisfaction that the proposal represents a logical or reasonable means to address the problem(s) identified, consistent with the objectives of this part.

(b) *Other factors to be considered.* (1) In determining whether or not a program is comprehensive and eligible for funding as such, HUD will take into consideration funds from other sources which are being used to treat similar problems in the same general area and which principally benefit low- and moderate-income persons or prevent or eliminate slums and blight.

(2) Comprehensive Grants provided to counties may only be used within urbanized or urban places as defined by the Bureau of Census, unless the exception provisions provided in § 570.425(a)(1) are met.

(3) For the purpose of this section, administration, planning and management are not considered activities.

(c) *Determinations to be made for funding.* In determining the method of funding and the grant amounts that will be provided, in addition to the criteria specified under § 570.420(f), consideration will also be given to the nature of the proposed activities, the amount of funds available to the Area Office, the level of hold harmless remaining during the years in which the commitment is to be made, and the capacity of the applicant. Certain activities or programs would lend themselves to a multiyear commitment of funds such as the substantially larger program, whereas other programs might, of necessity, require that a full commitment of funds be made at one time.

(d) *Letter of Intent for multiyear commitment.* An applicant interested in seeking a multiyear commitment is required to advise the appropriate Area Office prior to preparing its preapplication, including an estimate of the total amount of funds that will be required as well as the incremental portions that will be required each year. The Area Office will advise the applicant whether or not it meets the threshold requirements.

§ 570.424 Multiyear Commitments for Comprehensive Grants.

(a) *Funding Commitments.* In addition to funding Comprehensive Grants with a single grant, HUD may make multiyear commitments of up to three years to communities which are presently carrying out comprehensive programs and which have demonstrated the ability to undertake such programs and HUD can assume such capacity will continue. Primary consideration for such commitments will be given to those hold harmless communities whose entitlement is phasing down to such an extent that they can no longer carry out a comprehensive program adequate to meet their needs.

(b) *Subsequent fundings.* Funds to be provided in the subsequent years are subject to the availability of appropriations. Once a community has been selected for a multiyear commitment and funds are available, it will not have to compete in the selection process for the subsequent funds. Funds will be provided in subsequent fiscal years when a community has submitted its Annual Community Development Program, and the Area Office has determined that the annual program is consistent with that described in the original application and the community's performance is adequate.

§ 570.425 Requirements to be met to apply for a Comprehensive Grant.

(a) *General factors.* An applicant for a comprehensive grant must meet the following requirements:

(1) Have a population of above 2,500. Exceptions to this requirement will be made in those instances where an applicant demonstrates that its needs can only be resolved through a comprehensive approach or where the applicant has carried out a comprehensive program previously

(2) Have previously carried out a community development program with funds supplied through the Community Development Block Grant program;

(3) Have demonstrated adequate performance; and

(4) Have the capacity to undertake the proposed program;

(b) *Additional threshold requirement for multiyear commitments.* To be considered for a multiyear commitment, a community must be carrying out a com-

prehensive program; funded under Title I of the Housing and Community Development Act of 1974, in addition to the above requirements.

(c) *Performance and capacity consideration.* In assessing a community's ability to satisfy the performance requirement, the Area Office will examine its performance against all of the following areas, and make a judgment based on the total performance of the applicant.

(1) *Community development activities.* (i) The rate of progress achieved in moving activities into execution;

(ii) The rate of expenditure or obligation of community development funds;

(iii) The ability of the community to respond to impediments or to modify a program to take advantage of opportunities.

(2) *Housing assistance.* (i) The actual progress achieved in meeting goals established in the latest approved Housing Assistance Plan;

(ii) Absent achievement of such goals, consideration will be given to the actions taken by communities to facilitate actual accomplishment of such goals, such as:

(A) Removal of impediments such as restrictive zoning or building codes;

(B) Changes made in land use to facilitate construction of low- and moderate-income housing;

(C) Provision of sites and/or necessary infra-structure that would enhance the possibility of achieving the housing goals;

(D) Organized a housing authority or other formal body which would lead to achievement of the housing assistance goals;

(E) Other administrative actions taken which would increase the opportunity for construction of low- and moderate-income housing;

(F) Any other factors the Area Office deems appropriate in considering a community's performance with respect to its housing assistance goals.

(3) *Compliance with applicable laws and regulations.* (i) The performance of the community with respect to compliance with the applicable laws, regulations, and Executive Orders that must be satisfied when carrying out a Community Development Block Grant program is acceptable.

(ii) The findings made as a result of HUD monitoring have been satisfactorily resolved or will be resolved in a timely manner.

(iii) Audit findings have been satisfactorily resolved or will be resolved in a timely manner.

§ 570.426 Selection system for Comprehensive Grants.

Each preapplication will be rated against all nine factors. The maximum score possible under the system is 1100 points.

	Points
(a) Need—Absolute number of Poverty Persons	100
(b) Need—Percent of poverty persons	50
(c) Need—Absolute number of substandard housing units	30
(d) Need—Percent of substandard Housing Units	20
(e) Program factor—Impact of the proposed program	400
(f) Benefit to low- and moderate-income persons—absolute	200
(g) Benefit to low- and moderate-income persons—percent	100
(h) Performance:	
Housing	100
Local equal employment and entrepreneurial efforts	50
(i) Housing opportunity plan (HOP):	
Applicant participating	20
Proposed program carries out the HOP	30

For all factors except (h) and (i), ranking is done before points are awarded. Applicants will be ranked from highest to lowest. This ranking list will then be divided into 5 or 10 equal groupings (depending on the number of applicants) and the appropriate number of points assigned. If the number of applicants do not divide into equal groupings, the balance will be placed in the last group. Ties will be placed within the same groupings.

(a) *Need—absolute number of poverty persons (100 points).* This factor will measure the need of the applicant based on the number of persons whose incomes are below the poverty level as defined in the latest data from the Bureau of the Census. All applicants will be ranked in terms of the absolute number of poverty persons.

EXAMPLE.—(*Using 5 groups*)

	Poverty persons	Points
Applicant:		
A	1211	100
I	941	
F	872	80
D	799	
B	651	60
E	629	
C	558	40
J	493	
G	322	20
H	256	
K	203	

If there were sufficient number of applicants to justify division into 10 groups, a 10 point differential would result, with the highest ranking group scoring 100 points and the lowest group scoring 10.

(b) *Need—percent of poverty persons (50 points).* This factor will measure the need of the applicant based on the percentage of persons whose incomes are below the poverty level as defined in the latest data from the Bureau of the Census. All applicants will be ranked in terms of the percentage of their population below the poverty level.

EXAMPLE.—(*Using 5 groups*)

	Poverty persons (percent)	Points
Applicant:		
A	27.6	50
J	22.9	
C	18.7	40
I	15.4	
K	12.9	30
D	10.2	
B	7.6	20
F	6.9	
E	5.5	10
G	4.0	
H	3.1	

(c) *Need—absolute number of substandard housing units (30 points).* This factor will measure the need of the applicant based on the number of housing units which are substandard as defined by the Bureau of the Census and used to compute the discretionary balances. The definition of substandard to be used will thus be either age of housing or housing units which are overcrowded or lack plumbing. All applicants will be ranked in terms of the absolute number of substandard units.

EXAMPLE.—(*Using 5 groups*)

	Substandard units	Points
Applicant:		
I	486	30
F	443	
A	409	24
D	301	
B	267	18
C	248	
E	202	12
H	143	
G	86	
J	72	6
K	27	

(d) *Need—percent of substandard units (20 points).* This factor will measure the need of the applicant based on the number of housing units which are substandard as defined by the Bureau of the Census and used to compute the discretionary balances. All applicants will be ranked in terms of the percentage of substandard units.

EXAMPLE.—(*Using 5 groups*)

	Substandard units (percent)	Points
Applicant:		
C	76	20
B	59	
J	52	
E	41	16
D	41	
H	35	12
I	27	
G	22	8
A	14	
F	9	4
K	8	

(e) *Program factor—impact of the proposed program (400 points).* Each applicant shall select six program design criteria from among the following thirteen. HUD will measure the impact of the program on each of the program design criteria selected.

(1) *Program design criteria.* (i) Supports comprehensive neighborhood stabilization and/or revitalization;

(ii) Provides housing opportunities for families on a regional basis or implements a Housing Opportunity Plan;

(iii) Provides for spatial deconcentration of persons of low- and moderate-income families and minorities;

(iv) Conserves the housing supply for persons of low- and moderate-income;

(v) Supports a realistic and viable means of expanding the supply of housing for low- and moderate-income persons;

(vi) Addresses and resolves a serious deficiency in a community's public facilities principally of benefit to low- and moderate-income persons;

(vii) Provides for expanded economic opportunities for persons of low- and moderate-income;

(viii) Removes slums or blighted conditions in order to improve the living environment of low- and moderate-income persons;

(ix) Implements a State growth or resource coordination plan;

(x) Enhances a community's position as a regional center, economic development center, or growth center;

(xi) Resolves a serious threat to health or safety;

(xii) Impacts beyond local jurisdiction;

(xiii) Deals with the impact caused by other Federal actions or policies and/or supports other Federal programs being undertaken in the community.

(2) *Rating and ranking methods.* This factor requires a two-step rating process. First, the potential of the proposed program of activities to achieve the results intended by each selected criterion when considered in relation to other communities addressing the same criterion will be assessed and a numerical value assigned, based on the following:

The results would have no impact	0
The results would have minimal impact	1
The results would have a moderate impact	2
The results would have a significant impact	4

After each of the six criteria selected by an applicant have been rated and values assigned, the total is added (Program Impact Score Maximum is 24). The second step requires ranking applicants based on the numerical values assigned.

EXAMPLE.—(*Using 5 groups*)

	Program impact score	Points
Applicant:		
F	22	400
B	21	
A	19	320
C	16	
K	10	240
J	10	
I	8	
G	7	160
D	7	
H	7	
E	4	80

(f) *Benefit to low- and moderate-income persons—absolute number (200 points).* This factor will measure the benefit to low- and moderate-income persons by assessing the number of people who will be served by the program of activities. All applicants will be ranked in terms of the absolute number of low- and moderate-income persons who can be shown to benefit from the program of activities. (A low- or moderate-income person can be benefited only one time by the program even though several of the activities within the program may be of benefit to the individual.)

EXAMPLE.—(*Using 5 groups*)

	Low/moderate persons	Points
Applicant:		
B	792	200
A	763	
C	692	160
I	460	
F	402	120
D	340	
G	287	80
K	195	
J	154	40
H	107	
E	53	

(g) *Benefit to low- and moderate-income persons—percentage (100 points).* This factor will measure the benefit to low- and moderate-income persons in terms of the percent of such persons benefitting in comparison with the total number of low- and moderate-income people who reside within the jurisdiction of the applicant. All applicants will be ranked in terms of the percentage of low- and moderate-income persons who can be shown to benefit from the activity.

EXAMPLE.—(*Using 5 groups*)

	Low/moderate persons (percent)	Points
Applicant:		
B	58	100
K	52	
D	41	80
J	37	
I	37	
C	29	60
A	21	
F	15	40
E	14	
G	8	20
H	7	

(h) *Performance—housing and local equal employment and entrepreneurial efforts (150 points).* This factor is designed to provide additional points to those communities that have demonstrated outstanding performance in the areas of housing for low- and moderate-income families or local equal employment and entrepreneurial efforts.

(1) *Housing for low- and moderate-income persons (100 points)*—(i) Twenty points will be awarded to a community which has demonstrated actual performance in providing housing resources for low- and moderate-income families located in a manner which provides housing choices for minorities and low-income families in areas outside of minority and low-income concentrations; and an additional twenty points if the community can demonstrate dispersal, by race, in occupancy of its existing assisted housing;

(ii) Twenty points will be awarded to a community which has met its large family housing assistance needs in relation to that proportion of need;

(iii) Twenty points will be awarded to a community which has substantially carried out housing assistance goals from previous HAP(s).

(iv) Twenty points will be awarded to a community which has a Fair Housing Ordinance which is being enforced, taking into consideration staff, number of complaints, and resolution of those complaints.

(2) *Local equal employment and entrepreneurial efforts (50 points)*—(i) Fifteen points will be awarded to a community in which activities undertaken have provided relatively superior opportunities for training and/or employment of minority persons. This determination shall be based on the absolute numbers of persons actually trained or hired by contractors undertaking activities in relation to numbers of minority group persons in the market area.

(ii) Fifteen points will be awarded to a community in which activities undertaken have provided relatively superior opportunities for business concerns owned, controlled, or managed in substantial part by minority persons; taking into consideration total dollar value of contracts let to minority entrepreneurs in relation to total dollar amount of contracts let by locality.

(iii) Twenty points will be awarded to a community which has taken affirmative action in its own employment in the training and/or employment of minority persons with relatively superior results; taking into consideration the racial composition at all levels of employment in relation to minority group persons in the labor market areas and the absolute number of training opportunities made available to minority group persons.

(i) *Housing Opportunity Plan (50 points).* This factor is designed to provide additional points to those communities who are participating in an areawide Housing Opportunity Plan.

(1) *Participation*—Twenty points will be automatically awarded to any applicant who is a participant in a certified areawide Housing Opportunity Plan.

(2) *Implementing the HOP*—An additional thirty points will be awarded to an applicant whose proposed program will directly assist in meeting the goals of a certified Housing Opportunity Plan. To receive these points a certification from the agency which prepared the HOP must be submitted with the preapplication.

(j) *Final ranking.* The points received by each applicant on the nine rating factors will be totaled. Based on the final points awarded all applications will be rank ordered. Invitations for full applications will be made to as many applicants as the balance will allow starting from the top of the list.

Example

	Rating factors									Total
	a	b	c	d	e	f	g	h	i	
Applicant:										
A	100	50	24	8	320	200	60			762
B	60	20	18	20	400	200	100			818
C	40	40	18	20	320	160	60	55		713
D	80	30	24	16	160	120	80			510
E	60	10	12	16	80	40	40			258
F	80	20	30	4	400	120	40		20	714
G	20	10	6	8	160	80	20			304
H	20	10	12	12	160	40	20			274
I	100	40	30	12	160	160	80	60	50	692
J	40	50	6	16	240	40	80			472
K	20	30	6	4	240	80	100			480

Final rank order of applicants according to total points:

	Points	
Applicant:		
B	818	
A	762	
F	714	
C	713	
I	692	Cutoff point for available funds.
D	510	Applicants above this line will be invited to submit full applications.
K	480	
J	472	
G	304	
H	274	
E	258	

§ 570.427 Preapplications for Comprehensive Grants.

(a) *Scope of preapplication.* Preapplications are required and may request funds up to the maximum dollar amount established pursuant to § 570.420(f), if such a maximum has been established and may propose a program to be undertaken during a reasonable period of time which generally is expected not to exceed two years, unless the applicant is seeking a multiyear commitment, in which case the period of time shall not exceed three years. The applicant shall apply for discretionary funds in an amount, which together with other resources that may be available, will be adequate to complete the proposed program without additional block grant funds. While a recipient remains eligible for a Small Cities grant in subsequent years, an applicant shall not assume that additional funding will be available to continue or expand activities. Preapplications for a Comprehensive Grant with a multiyear commitment must provide an explanation of the activities that will be carried out in subsequent years, as well as cost estimates for such activities.

(b) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate Area Office and shall consist of the following:

(1) Standard Form 424, as prescribed by Federal Management Circular 74–7.

(2) A program narrative statement which consists of the following:

(i) A brief description of the applicant's community development problems/needs to be served by the proposed program; and identification of the criteria for selection to be addressed by the program;

(ii) A description of the program to be carried out with asistance under this Subpart and an estimate of the cost of the proposed activities;

(iii) A statement describing the relationship of the proposed program activities to the criteria for selection, including demonstration of the impact of the program on the criteria.

(iv) A brief statement describing the overall housing strategy that will be employed to meet the community's housing needs and any funds provided under the Act that will be used to implement such a strategy. Such funds must be provided where necessary to ensure accomplishment of the provision of lower-income housing; and

(v) Other information appropriate to respond to the other criteria for selection set forth in § 570.426.

(3) The certification required for preapplications regarding citizen participation pursuant to § 570.307(d);

(4) A map of the applicant's jurisdiction which clearly identifies:

(i) Census tracts and/or enumeration districts;

(ii) Location of the proposed activities;

(iii) Concentrations of minority groups;

(iv) Concentrations of lower-income persons, and

(v) General locations for proposed new or rehabilitated housing assistance.

(5) If the applicant has received prior assistance under this part, a status report regarding performance of prior grants pursuant to § 570.425(c), or the Grantee Performance Report in lieu of the status report.

(c) *Submission of additional data.* Only data submitted up to the deadline for submission of preapplications will be considered in the selection process, unless specifically requested by HUD in writing. All other data received after the deadline will be returned to the applicant.

(d) *Program benefit for low- and moderate-income persons.* (1) Funds provided through the Comprehensive Program are to be used for programs which principally benefit low- and moderate-income persons under the definitions in paragraph (d)(2)(i) of this section. Programs which do not principally benefit low- and moderate-income persons are exceptions to this general policy and may be undertaken only when they are clearly necessary to attain statutory objectives under the criteria and definitions in paragraph (d)(3) of this section.

(2) In designing its program and designating an area for activities, the applicant shall address the needs of low- as well as moderate-income persons, giving consideration to the nature and relative severity of their needs.

(i) *Programs which principally benefit low- and moderate-income persons.* These include the full array of activities permitted under the program such as comprehensive neighborhood revitalization, elimination of slums or blight, provision of public services and facilities, and economic development. Such activities may be included in the computation of the funds which principally benefit low- and moderate-income persons if they meet one of the following rules:

(A) *Programs serving low- and moderate-income areas.* These are programs which serve a geographic area consisting of one or more census tracts, enumeration districts or parts thereof, designated by the applicant, whose population contains a majority of low- and moderate-income persons. The total cost of such a program activity may be considered to principally benefit low- and moderate-income persons if:

(B) The program is designed to meet specific needs of low- and moderate-income persons; and

(C) The primary beneficiaries of the program will be the low- and moderate-income residents of the area.

(ii) *Programs directly benefitting low- and moderate-income persons residing outside of low- and moderate-income areas.* These are programs which provide benefits directly to low- and moderate-income persons who reside in areas which do not meet the requirements of paragraph (d)(2)(i) of this section. Such programs may be considered to principally benefit low- and moderate-income persons only if the benefits can be readily determined, and only that portion of the costs which actually benefit lower-income persons may be included in the computation of funds which principally benefit low- and moderate-income persons. Examples of activities within the program which meet this requirement are rehabilitation loan programs in higher-income areas where there are income limits to qualify for the loans, and otherwise eligible public services such as employment counseling provided directly to lower-income persons.

(iii) *Economic development programs.* These include economic development activities eligible under § 570.203. The total cost of such a program may be considered to principally benefit low- and moderate-income persons when evidence acceptable to the Secretary is contained in the preapplication showing that the following conditions are met:

(A) The program can reasonably be expected to attract or retain a significant number of permanent jobs, a majority of which are available to the low- and moderate-income residents of the locality; or

(B) The program will enhance the viability of commercial enterprises now providing needed services in neighborhoods which contain a majority of low- and moderate-income residents or will serve to attract such enterprises to these areas.

(iv) *Activities within a program necessary to undertake another activity which principally benefits low- and moderate-income persons.* These are activities which are an essential component of undertaking another activity which will principally benefit low- and moderate-income persons as defined by this section. An example is construction of a flood or drainage facility necessary for construction or rehabilitation of low- and moderate-income housing. The total cost of such activity may be considered principally to benefit low- and moderate-income persons if it will not disproportionately benefit higher income persons; and the activity which will principally benefit low- and moderate-income persons is included in the program.

(3) *Exceptions.* Programs which do not principally benefit low- and moderate-income persons are limited to the following categories, and to no more than 25 percent of the grant funds:

(i) *Certain programs to prevent or eliminate slums and blight.* These include:

(A) Comprehensive neighborhood revitalization programs as defined in § 570.301(a) where the applicant demonstrates that the extent of physical decay, deterioration, economic decline, or disinvestment is of sufficient magnitude that public action is required at the present time to arrest these conditions; permitted activities include any eligible activities necessary to carry out the neighborhood revitalization, including public facilities and services;

(B) Elimination of detrimental conditions which are scattered or located outside comprehensive neighborhood revitalization areas; permitted activities are only those necessary to eliminate the specific conditions of blight or physical decay, through acquisition of blighted structures, demolition or interim assistance.

(ii) *Programs designed to meet needs having a particular urgency.* These are programs which are designed to alleviate a serious and immediate threat to the health or welfare of the community which is of recent origin where the applicant is unable to finance the projects on its own, and other sources of funding are not available. A condition will generally be considered to be of recent origin if it developed or became critical within 18 months preceding the application for funds.

(4) *Computing program benefit.* (i) The costs of administration and planning may be excluded from the computation of the amount of funds which benefits low- and moderate-income persons as they will generally be assumed to benefit such persons in the same proportion as the remainder of the grant.

(ii) The costs of projects and activities which meet one of the definitions of principally benefitting low- and moderate-income persons in paragraph (d)(2)(i), (ii), (iii) or (iv) of this section shall be included in accordance with the relevant provisions of that paragraph.

(iii) Funds budgeted for contingencies shall be expended in such a manner that the percentage of the total grant which principally benefits low- and moderate-income persons is not reduced below 75 percent.

(5) *Waiver provisions.* The Regional Administrator may waive the percentage limitations of this section where the applicant submits information that demonstrates that such waiver is necessary.

(6) *Actions before invitation for full applications.* Applicants with preapplications rated sufficiently high under the Selection Criteria in § 570.426 to be considered for funding, but which do not meet the requirements of paragraph (1) will be required to submit justification for the waiver as permitted in paragraph (5). If a waiver is not granted, a full application will not be invited.

§ 570.428 Applications for Comprehensive Grants.

(a) *Submission Requirements.* Sections 570.303, 570.304, 570.305, 570.306 and 570.307 of Subpart D of this part shall apply to applicants for Comprehensive Grants.

(b) *Coordination with applications for CDBG Entitlement.* Where possible, HUD will use information submitted with an entitlement application, such as a Housing Assistance Plan which was prepared for a grant for the same fiscal year in which the Small Cities grant is being sought. Communities that anticipate applying for a Small Cities Comprehensive grant in addition to their hold-harmless entitlement, are encouraged to develop an overall strategy and comprehensive program that anticipates some additional funding, but which would lend itself to be segmented if adequate funding is not available for the entire program. Additional steps which could be taken to save time and effort would be to:

(1) Include the possibility of additional funding in the planning phase in such a manner that citizen participation requirements would have been met if and when a preapplication for a Comprehensive Small Cities grant is submitted;

(2) Submit such proposals through the A–95 clearinghouse process with the annual entitlement application to eliminate the necessity of resubmitting such information if and when an application for a Comprehensive Grant is submitted.

(c) *Title VI compliance.* All applicants, except those currently receiving a hold harmless grant, will be required to submit, in a form prescribed by HUD, evidence of compliance with Title VI of the Civil Rights Act of 1964. The purpose of the evidence is to enable HUD to determine whether the benefits to be provided will be on a non-discriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

§ 570.429 Single Purpose Grant Program general requirements.

(a) *General.* The Single Purpose Grants Program is a single activity or project designed to meet a specific need or objective. Funds will be made available to address serious problems with housing needs, economic conditions which principally affect persons of low- and moderate-income or public facilities which affect the public health and safety.

(b) *Completion of previously approved projects.* Those communities which are currently carrying out a metropolitan or nonmetropolitan discretionary grant program must have essentially completed the project before they may apply for another grant. For purposes of making this determination, "essentially complete" shall usually mean that at least 75 percent of the funds have been obligated, and at least 50 percent of such funds have been expended. Determinations will be made as of the date the preapplication is submitted to the Area Office. Applicants which have not previously undertaken such programs are not subject to this requirement.

§ 570.430 Selection system for Single Purpose Grants.

Each preapplication will be rated against all nine factors. The maximum score possible under the system is 1075 points.

	Points
(a) Need—absolute number of poverty persons	100
(b) Need—percent of poverty persons	50
(c) Need—absolute number of substandard housing units	30
(d) Need—percent of substandard housing units	20
(e) Program factor:	
Relationship of the proposed program	100
Impact of the proposed program	200
(f) Benefit to low and moderate income persons—absolute	200
(g) Benefit to low and moderate income persons—percent	100
(h) Performance:	
Housing	100
Local equal opportunity efforts	50
(i) Other:	
Housing opportunity plan	50
Enhances position as a regional center	25
Implements State growth plan	25
Other Federal programs	25

For each factor except e, h and i, ranking is done before points are awarded. Applicants will be ranked from highest to lowest. This ranking list will then be divided into 5, 10, or 20 equal groupings (depending on the number of applicants) and the appropriate number of points assigned. Any uneven balance will be assigned to the last group(s); ties will be placed into the same group.

(a) *Need—absolute number of poverty persons (100 points).* This factor will measure the need of the applicant based on the number of persons whose incomes are below the poverty level as defined in the latest data from the Bureau of the Census. All applicants will be ranked in

terms of the absolute number of poverty persons.

EXAMPLE.—(*Using 5 groups*)

	Poverty persons	Points
Applicant:		
A	1211	
I	941	100
F	872	
D	799	80
B	651	
E	629	60
C	558	
J	493	40
G	322	
H	256	
K	203	20

If there were sufficient number of applicants to justify division into 10 groups, a 10 point differential would result, with the highest ranking group scoring 100 points and the lowest group scoring 10. Division into 20 groups would result in a 5 point differential on this factor.

(b) *Need—percent of poverty persons (50 points).* This factor will measure the need of the applicant based on the percentage of persons whose incomes are below the poverty level as defined in the latest data from the Bureau of the Census. All applicants will be ranked in terms of the percentage of their population below the poverty level.

EXAMPLE.—(*Using 5 groups*)

	Poverty persons (percent)	Points
Applicant:		
A	27.6	50
J	22.9	
C	18.7	40
I	15.4	
K	12.9	30
D	10.2	
B	7.6	20
F	6.9	
E	5.5	
G	4.0	10
H	3.1	

(c) *Need—absolute number of substandard housing units (30 points).* This factor will measure the need of the applicant based on the number of housing units which are substandard as defined by the Bureau of Census and used to compute the discretionary balances. The definition of substandard housing will be either age of housing or housing units which are overcrowded or lack plumbing. All applicants will be ranked in terms of the absolute number of substandard units.

EXAMPLE.—(*Using 5 groups*)

	Substandard units	Points
Applicant:		
I	486	30
F	443	
A	409	24
D	301	
B	267	18
C	248	
E	202	12
H	143	
G	86	
J	72	6
K	27	

(d) *Need—percent of substandard units (20 points).* This factor will measure the need of the applicant based on the number of housing units which are substandard as defined by the Bureau of the Census and used to compute the discretionary balances. All applicants will be ranked in terms of the percentage of substandard units.

EXAMPLE.—(*Using 5 groups*)

	Substandard units (percent)	Points
Applicant:		
C	76	20
B	59	
J	52	
E	41	16
D	41	
H	35	
I	27	12
G	22	
A	14	8
F	9	
K	8	4

(e) *Program factor—impact of the proposed program (300 points).* This factor will assess the relationship of the proposed activity to the problems of low- and moderate-income families as described by the applicant and the impact the proposed activity will have on resolving those problems. The intent of this factor is to select among the activities proposed to address a similar problem area those activities which are most related and which will have the most significant impact. In assessing impact, consideration will be given to the amount of funds requested by the applicant and the nature of the activity.

(1) *Problem Areas.* The problem areas cited in the preapplication for which funds are being requested must be in one of the following three categories:

(i) Housing.

(ii) Deficiencies in public facilities which affect the public health and safety.

(iii) Economic conditions.

The applicant must explain how the activity being proposed relates to and impacts on the problem area selected. Specific measureable terms should be used in this explanation.

(2) *Rating method.* All activities addressing the same problem area will be compared in terms of relationship to and impact on the identified problem area. Within each of those categories, the preapplication(s) that is/are determined to have the most impact, will be deemed to impact such a need substantially and will be the standard against which all other preapplications addressing that problem area are measured.

(i) Relationship of the proposed activity to the problem:

	Points
None	0
Indirect	50
Direct	100

(ii) Impact of the proposed activity on the problem:

	Points
None	0
Minimal	50
Moderate	100
Substantial	200

Example

	Relationship	Impact	Total
Applicant:			
A	50	50	100
B	100	200	300
C	50	100	150
D	50	50	100
E	0	0	0
F	100	200	300
G	50	50	100
H	50	0	50
I	50	100	150
J	50	100	150
K	100	100	200

(f) *Benefit to low- and moderate-income persons—absolute number (200) points.* This factor will measure the benefit to low- and moderate-income persons by assessing the number of people who will be served by the activities. All applicants will be ranked in terms of the absolute number of low- and moderate-income persons who can be shown to benefit from the activity.

EXAMPLE.—(*Using 5 groups*)

	Low/moderate persons	Points
Applicant:		
B	792	200
A	763	
C	692	160
I	460	
F	402	120
D	340	
G	287	80
K	195	
J	161	
H	107	40
E	53	

(g) *Benefit to low- and moderate-income persons—percentage (100 points).* This factor will measure the benefit to low- and moderate-income persons in terms of the percent of low- and moderate-income persons benefitting in comparison with the number of low- and moderate-income persons who reside within the jurisdiction of the applicant. All applicants will be ranked in terms of the percentage of low- and moderate-income persons who can be shown to benefit from the activity.

EXAMPLE.—(*Using 5 groups*)

	Low/moderate income persons (percent)	Points
Applicant:		
B	58	100
K	52	
D	41	
J	37	80
I	37	
C	30	
A	21	60
F	16	
E	14	40
G	8	
H	7	20

(h) *Performance—housing and local equal employment and entrepreneurial efforts (150 points).* This factor is designed to provide additional points to those communities that have demonstrated outstanding performance in the area of housing for low- and moderate-

income families or local equal opportunity efforts.

(1) *Housing for low- and moderate-income persons (100 points)*—(i) *Twenty* points will be awarded to a community which has demonstrated actual performance in providing housing resources for low- and moderate-income families located in a manner which provides housing choices for minorities and low-income families in areas outside of minority and low-income concentrations; and an additional *twenty* points if the community can demonstrate dispersal, by race, in occupancy of its existing assisted housing;

(ii) *Twenty* points will be awarded to a community which has met its large family housing assistance needs in relation to that proportion of need;

(iii) *Twenty* points will be awarded to a community which has substantially carried out its housing assistance goals from previous HAP(s).

(iv) *Twenty* points will be awarded to a community which has a Fair Housing Ordinance which is being enforced, taking into consideration staff, number of compliants, and resolution of those complaints.

(2) *Local equal employment and entrepreneurial efforts (50 points)*—(i) *Fifteen* points will be awarded to a community in which activities undertaken have provided relatively superior opportunities for training and/or employment of minority persons. This determination shall be based on the absolute numbers of persons actually trained or hired by contractors undertaking activities in relation to numbers of minority group persons in the labor market area.

(ii) *Fifteen* points will be awarded to a community in which activities undertaken have provided relatively superior opportunities for business concerns owned, controlled, or managed in substantial part by minority persons; taking into consideration total dollar value of contracts let to minority entrepreneurs in relation to total dollar amount of contracts let by locality.

(iii) *Twenty* points will be awarded to a community which has taken affirmative action in its own employment in the training and/or employment of minority persons with relatively superior results; taking into consideration the racial composition at all levels of employment in relation to minority group persons in the labor market areas and the absolute number of training opportunities made available to minority group persons.

(i) *Other (125 points).* This factor will allow award of points as identified for each of four factors if the proposed activity effectively addresses that factor.

(1) Assists in implementing a Housing Opportunity Plan. (50 points.)

(2) Enhances the community's position as a regional center, economic development center, or growth center. (25 points.)

(3) Is consistent with and implements a State growth or resource coordination plan. (25 points.)

(4) Deals with the impact of other Federal programs or policies on the community and/or supports another Federal program being undertaken in the community. (25 points.)

(j) *Final ranking.* The points received by each applicant on the nine rating factors will be totalled. Based on the final points awarded all applications will be rank ordered. Invitations for full applications will be made to as many applicants as available funds will allow starting from the top of the rank order and proceeding in descending order.

Example

	Rating factors									Total
	a	b	c	d	e	f	g	h	i	
Applicant:										
A	100	50	24	8	100	200	60			542
B	60	20	18	20	300	200	100		50	748
C	40	40	18	20	150	160	60	60		538
D	80	30	24	16	100	120	80			450
E	60	10	12	16	0	40	40			178
F	80	20	30	4	300	120	40		100	654
G	20	10	6	8	100	80	20		50	274
H	20	10	12	12	50	40	20			164
I	100	40	50	12	150	160	80	40		512
J	40	50	6	16	150	40	80		50	432
K	20	30	6	4	200	80	100			440

Rank order of applicants according to total points:

Applicant:	Points	
B	748	
F	654	
A	542	
C	538	Cutoff point for available funds. Applicants above this line will be invited to submit full applications.
I	512	
D	450	
K	440	
J	432	
G	274	
E	178	
H	164	

§ 570.431 Preapplications for Single Purpose Grants.

(a) *Scope of preapplications.* A preapplication may request funds up to the maximum grant amount that has been established, if any, for eligible activities designed to address serious deficiencies in the community's housing, public facilities which affect health and safety, or economic conditions which principally affect low- and moderate-income persons. If a preapplication which was submitted for the Comprehensive Program has been determined to be more appropriately considered as a Single Purpose Grant, the applicant will be requested to identify those activities which are within the maximum grant established, if any, which it wishes to be considered.

(b) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate HUD Area Office and shall consist of the following:

(1) Standard Form 424, as prescribed by Federal Management Circular 74–7.

(2) A program narrative statement which consists of the following:

(i) A brief description of the applicant's community development problems/needs to be served by the proposed activity(ies) and an identification of which of the three possible problem areas (housing, public facilities which affect the health or safety, or economic conditions which principally affect low- and moderate-income persons) that the activity will address;

(ii) A description of the activity(ies) to be carried out with assistance under this subpart and an estimate of the cost;

(iii) A statement describing the relationship of the proposed activity to the problem area selected and documenting the impact the activity will have on the identified problem;

(iv) A statement on the number and percentage of low- and moderate-income people who will benefit from the proposed activity;

(v) Other information appropriate to respond to the criteria for selection set forth in § 570.430, particularly information on the Performance and Other Factors.

(3) *Maps clearly identifying.* (i) the census tracts/enumeration districts of the applicant;

(ii) the location of the proposed activities;

(iii) the concentrations of minorities; and

(iv) the concentrations of low- and moderate-income persons.

(c) *Submission of additional data.* Only that data received by the deadline established for preapplications will be considered in the selection process, unless additional data are specifically requested, in writing, by HUD. Unrequested material received after the deadline will be returned to the applicant.

§ 570.432 Applications for Single Purpose Grants.

(a) *Needs assessment and strategy.* (1) An applicant with a population of over 25,000 and which is located in an urbanized area of a Standard Metropolitan Statistical Area must summarize the most pressing needs that exist within the community and identify the strategy to be employed to meet those needs. The strategy must include any resources other than those provided under this Part that will be used. Only those needs that will be addressed during the next three-year period need be identified and discussed. Additionally, the applicant must identify specifically those needs that will be addressed during the period for which the funding is sought under this Part.

(2) Any applicant that is unsure of the applicability of this section to its particular circumstances should request

a determination from the local Area Office.

(b) *Community development program.* All applicants must identify the program of activities that will be undertaken to meet their needs, and the objectives and results to be achieved. The needs and results must be expressed in measurable terms whenever possible. In selecting activities to be undertaken, the applicant must consider appropriate environmental factors. If other funds are anticipated to be utilized to address the need, the source of funds must be identified.

(c) *Housing assistance plan.* All applicants are required to submit a Housing Assistance Plan, as described below except that applicants located within a county which is receiving a community development block grant may elect to assume its fair share of the provision of housing assistance established as a goal by the county provided it can be demonstrated in the application that: The county's survey of housing conditions and assessment of housing assistance needs have incorporated information for the applicant; and there is a recognized agreement between the county and the applicant to the effect that the community is responsible for assuming its fair share of housing assistance goals.

(1) *Housing needs and goals.* (i) The applicant shall accurately survey the condition of the housing stock in the community and submit a narratitve summary describing such conditions, by tenure. Estimates shall be made of the vacancy rates for units in standad condition, using the best estimate at the time the application is prepared, but in no case including units to be vacant at a future date;

(i) The applicant shall assess the housing assistance needs of lower-income persons identifying the specific needs of handicapped, female heads of households, and each minority group currently residing in the community and those expected to reside. The assessment should address the needs by tenure and by household type. Communities within Standard Metropolitan Statistical Areas shall assess the needs of lower-income families expected to reside as set forth in § 570.306(b);

(iii) The applicant shall propose a realistic goal to address the identified needs of lower-income families. The goals should specify the number of dwelling units or persons to be assisted by housing type (new, rehabilitated and existing units), by tenure, and by household type (elderly/handicapped, family and large family). Goals should address relative proportions of need insofar as practicable while providing for the development of feasible projects. The applicant shall describe the actions it plans to take to further fair housing for minorities and women pursuant to its assurance under § 570.307(k)(2).

(2) *HUD review of HAP.* Where substantial housing needs are identified pursuant to paragraph (c)(1) of this section, and housing assistance resources are available, the Secretary may determine that a Housing Assistance Plan with only minimal goals is plainly inappropriate to meeting the applicant's needs. Housing types (new, rehabilitated or existing dwelling units) proposed to meet housing assistance needs should be established in relation to a community's housing market dynamics and should be realistic in terms of estimating the number and types of units which can be absorbed by the market within a reasonable period of time and provide for a balanced housing market. In addition, any units proposed to be rehabilitated must be units which will meet, upon completion of rehabilitation, local housing codes or, at a minimum Section 8 Existing Housing Quality Standards pursuant to 24 CFR 882.109, i.e., emergency weatherization and other similar activities being undertaken to achieve partial rehabilitation objectives, are not acceptable as rehabilitation housing assistance goals.

(d) *Map requirements.* Maps to be submitted by the applicant must include and identify by census tract or enumeration district:

(1) Concentrations of low- and moderate-income persons;

(2) Concentrations of minority residents;

(3) Locations of activities to be undertaken;

(4) Service areas of the proposed activities, if applicable;

(5) The median income of the census tracts in which the proposed activities are to be undertaken;

(6) Concentrations of substandard housing; and

(7) General locations for proposed new or rehabilitated housing assistance.

(e) *Cost analysis.* The total cost of each activity must be identified as well as the amount of Single Purpose Grant that will be used for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated.

(f) *Title VI compliance.* All applicants, except those currently receiving a hold harmless grant, will be required to submit, in a form prescribed by HUD, evidence of compliance with Title VI of the Civil Rights Act of 1964. The purpose of the evidence is to enable HUD to determine whether the benefits to be provided will be on a non-discriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

§ 570.433 Citizen Participation Requirements for Single Purpose Grants.

(a) *General.* Each applicant for a Single Purpose Grant must prepare and follow a written citizen participation plan, which provides an opportunity for citizens to participate in the development of the application, encourages the submission of views and proposals, particularly by residents of blighted neighborhoods and citizens of low- and moderate-income, provides for timely responses to the proposals submitted, and schedules hearings at times and locations which permit broad participation. Each applicant must also provide citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements.

(b) *Area of participation.* The plan shall provide for communitywide citizen participation, where appropriate, but in all cases for neighborhood and project area participation where specific community development project areas are identified. Citizen participation shall include involvement in the development of:

(1) The citizen participation plan,

(2) The community development and housing strategy and the determination of priorities,

(3) The Housing Assistance Plan,

(4) Subsequent amendments to the Community Development Program and Housing Assistance Plan, and

(5) Implementation, monitoring and evaluation.

(c) *Submission of views and proposals.* The plan shall provide for and encourage submission of views and proposals by citizens, particularly low- and moderate-income persons and residents of blighted neighborhoods, and a means to respond to all proposals and complaints in a timely manner.

(d) *Adequate information.* The plan shall provide for full public access to program information and affirmative efforts to get adequate information to citizens, especially to those of low- and moderate-income and to those residing in blighted neighborhoods and project areas.

(e) *Required information to be made available.* The plan shall provide that prior to preparation of the preapplication, the applicant shall make available, either by publication or at public hearings, the following information:

(1) The total amount of funds that may be made available,

(2) The fact that more preapplications will be submitted from within the state then can be funded with available funds, and that submission of the preapplication is no guarantee the activities will be funded,

(3) The range of activities that may be undertaken with these funds and the kind of activities previously funded in the community (if applicable), and the progress made with respect to those activities,

(4) The types of activities specifically excluded by the Act,

(5) The processes to be followed in drawing up and approving the local application and the schedule of meetings and hearings,

(6) The citizen participation plan, including the roles of designated neighborhood and project area organizations and the communitywide citizen participation process, if appropriate, and

(7) A summary of other important program requirements, including the fact that subsequent funding will be dependent on satisfactory progress in implementing this and previous programs.

(f) *Meetings.* The applicant is responsible for assuring that public meetings are conducted to provide information and respond to questions about the community development program. The applicant is responsible for obtaining minutes or summaries of all meetings. Meetings shall be convenient in time and place around the city or county to persons of low- and moderate-income.

(1) *Public hearings.* The plan shall provide for a sufficient number of hearings to obtain citizen views at different stages of the Community Development Program. Such hearings shall be held at convenient times and locations. Hearing arrangements should make possible the full participation of handicapped citizens. The applicant shall hold at least two kinds of public hearings prior to the submission of the application.

(i) Prior to the submission of the preapplication, a hearing should be held to obtain views of citizens on community development and housing needs and priorities, and to receive their proposals.

(ii) Prior to submission of the full application, a hearing shall be held on the proposed application before adoption of a resolution or similar action by the local governing body authorizing the filing of the application.

(2) *Notices.* In order to give adequate notice of public hearings:

(i) The applicant shall, at least 14 days prior to each public hearing, publish a notice in a newspaper of general circulation, reaching persons of low and moderate income and in low- and moderate-income neighborhoods. Such notices shall indicate the dates, times, places and procedures of the hearings, the topics to be considered, basic information about the program and the procedures and timing being followed in the development and approval of the application.

(ii) The applicant is encouraged to use radio, television, newspapers and other media to publicize public hearings.

(iii) Wherever a significant number of low- and moderate-income persons and residents of blighted neighborhoods speak and read a primary language other than English, the plan shall provide that all notices and major documents be produced in such language or languages and that bilingual opportunities shall be offered at required public hearings.

(g) *Program amendments.* The plan shall provide for citizen participation in amendments, changes, and revisions to the Community Development Program and Housing Assistance Plan, including the reallocating of funds, which affect the program and the changing of general locations of previously approved activities. Whenever amendments which require prior HUD approval as described in § 570.436 are proposed, the applicant shall hold an additional public hearing on the amendments. The amendment application shall include the citizen participation certification described in § 570.307(d).

§ 570.434 Single Purpose Grants for imminent threat to public health or safety.

(a) *Criteria.* The following criteria for an imminent threat to public health or safety shall apply:

(1) Notwithstanding the provisions of § 570.430, the Area Director may, at any time, invite a full application for funds available under this Subpart in response to a request for assistance to alleviate an imminent threat to public health or safety that requires immediate resolution by waiving the requirements for preapplications. The urgency and the immediacy of the threat shall be verified by HUD with an appropriate authority other than the applicant prior to submission of the full application, and the Area Director will review the claim to determine whether or not HUD concurs in the finding that, in fact, an imminent threat to public health or safety does exist. For example, an applicant with documented cases of disease resulting from a contaminated drinking water supply would have an imminent threat to public health, while an applicant ordered to improve the quality of its drinking water supply over the next two years would not have an imminent threat within the definition of this paragraph. These funds are to be used to deal with those threats which represent a unique and unusual circumstance, not for the type of threat that occurs with frequency in a number of communities within a state.

(2) The applicant does not have sufficient local resources and other Federal or state resources are unavailable to alleviate the imminent threat.

(b) *HUD action.* (1) Each Area Office Director is authorized to reserve up to 15 percent of the funds allocated pursuant to Subpart B and assigned to the Area Offices for Small Cities Grants in metropolitan and nonmetropolitan areas for use in funding full applications to alleviate imminent threats to the public health or safety. Funds may be held during the entire fiscal year to fund such applications, but must be committed for either imminent threats or for Single Purpose Grants no later than the end of the fiscal year in which they were assigned. The 15 percent limit may be applied separately to the metropolitan and nonmetropolitan balances. Full applications shall be submitted in accordance with § 570.432.

(2) The only funds to be reserved for imminent threats to the public health and safety are those set aside by the Area Director. After these funds have been depleted, no further applications relating to imminent threat shall be considered during that fiscal year.

(c) *Waiver of A–95 requirements.* The requirements for A–95 review and comment pursuant to § 570.437(3) may be waived in the case of an imminent threat. HUD shall notify the appropriate state and areawide A–95 clearinghouses that it is inviting a full application for an imminent threat from an applicant.

(d) *Letter to proceed.* The Secretary may issue the applicant a letter to proceed to incur costs to alleviate the imminent threat provided all environmental reviews are completed pursuant to 24 CFR CFR Part 58.

§ 570.435 HUD review and actions on full applications for Single Purpose and Comprehensive Grants.

(a) *Full applications.* Only applications from communities that have been invited to submit a full application will be accepted for review, and then only if: (1) It has been received before the deadline that has been established; (2) the application requirements are complete; (3) the funds requested do not exceed the amount of the invitation by HUD, unless a revised amount is acceptable to HUD; (4) the activities are essentially the same as those for which a full application was invited; (5) and any comments or recommendations received by the clearinghouses are attached to the application or a statement included that no comments were received, with a copy of the letter transmitting the application to the clearinghouse.

(c) *HUD action on full applications.*— (1) *Review and notification:* While HUD is not required to review discretionary applications within 75 days, it will try to do so. Applications will be reviewed to ensure that any other resources that may be required are, in fact, available; and that any conditions that were established at the time of invitation have been satisfied. Following the review, HUD will promptly notify the applicant of the actions taken with regard to its application.

(2) *Conditional approval.* The Secretary may make a conditional approval in which case the grant will be approved, but the use of funds will be restricted. Conditional approvals may be made pursuant to § 570.311(f) or to ensure that (i) actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time; (ii) the project can be completed within estimated costs; (iii) or until site and neighborhood standards approval have been obtained for proposed housing projects, if applicable.

(3) *Disapproval of a full application.* The Secretary may disapprove a full application for the reasons set forth in § 570.311(c). In addition, full applications may be disapproved for any of the following reasons:

(i) The conditions established at the time of invitation have not been fully met;

(ii) The findings of inconsistency developed through the A–95 process have not been resolved;

(iii) Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time;

(iv) The activities cannot be completed within the estimated costs or resources available to the applicant;

(v) There is new evidence of a lack of capacity of a recipient to carry out the proposed activities;

(iv) The applicant has received other funds for the activities and assistance under this subpart is no longer required.

(4) *Letter to proceed.* HUD may issue a letter authorizing an applicant to incur costs for the planning and preparation of an application for funds available under this subpart, including citizen participation and environmental studies. Reimbursement for such costs will be dependent upon HUD approval of application. Only those costs associated with the actual cost of preparation of the application may be assisted. In no instances may a planning or preparation fee be reimbursed that is based upon a percentage of the assistance received under this subpart, and such fees shall comply with the requirements set forth in § 570.205(d)(8) regarding use of consultants. Costs incurred by an applicant prior to notification of a funding approval or issuance of a letter to proceed by HUD are not eligible for assistance under this part.

§ 570.436 Program amendments for Single Purpose Comprehensive Grants.

(a) HUD will consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior HUD approval for all program amendments involving new activities; significant alteration of existing activities that will change the scope, location, objectives or scale of the approved activities or beneficiaries. Approval will be subject to the following:

(1) New or significantly altered activities will be rated in accordance with the criteria for selection applicable at the time the original preapplication was rated. The rating of the new program or activity proposed by the amendment must be equal to or greater than the lowest rating received by a funded activity or program during that cycle of preapplication ratings.

(2) Consideration shall be given whether any new activity proposed can be completed promptly.

(b) *A–95 and citizen participation requirements.* Whenever an amendment requires HUD approval, the requirements of this Subpart for A–95 review and citizen participation must be met, and the recipient shall provide all appropriate State and areawide A–95 clearinghouses with thirty days in which to review and comment on the proposed amendment prior to its submission to HUD.

§ 570.437 Modified OMB Circular No. A–95 procedures for the Small Cities Program.

(a) *General.* (1) Applicants for grants (both Single Purpose and Comprehensive) under the Small Cities Program must comply with all the procedures set forth in Part I of OMB Circular No. A–95 except as modified below. These procedures also require that program amendments which must receive HUD approval shall be submitted for a thirty day review and comment period prior to submission to HUD pursuant to 24 CFR 52.101(g).

(2) All applicants are urged to contact their A–95 clearinghouses for forms and instructions which the clearinghouses have developed to facilitate their reviews.

(3) Clearinghouses will be of assistance to the applicant and to HUD if their reviews address the appropriate threshold factors and criteria for selection pursuant to §§ 570.425(c) and 570.426 for the Comprehensive Program and §§ 570.429 and 570.430 for the Single Purpose Grants Program as well as the "subject matter of comments and recommendations" in item 5, Part I, Attachment A of OMB Circular No. A–95, with emphasis on consistency among State, areawide and local plans and compliance with environmental and civil rights laws.

(b) *A–95 procedures for preapplications.* Preapplications for either Comprehensive Grants or for Single Purpose Grants shall be submitted to the appropriate State and areawide A–95 clearinghouses prior to or concurrent with the submission of the preapplication to HUD to serve as the notification of intent to apply for a Federal grant. The clearinghouses shall have thirty days from receipt of the preapplication in which to conduct their review and provide a response to the applicant with a copy to HUD. The clearinghouse must clearly identify the applicant and the activity or program to which the comments are addressed. HUD shall not make a final rating on a preapplication until all clearinghouse comments are considered, or in the case no clearinghouse comments are received by HUD, thirty days after the deadline for submission of preapplications. Applicants are urged to provide preapplication to the clearinghouses prior to submission to HUD whenever possible.

(c) *A–95 procedures for full applications.* (1) The applicant must provide all appropriate State and areawide clearinghouses with at least thirty days in which to review and comment on the full application prior to its submission to HUD, unless the clearinghouses relinquish this requirement prior to the final date for submission of the application to HUD. The clearinghouse has thirty days from receipt of the application in which to conduct its review and send comments to the applicant.

(2) The applicant shall transmit all comments with the full application to HUD. In instances where the applicant has not received a clearinghouse's comments by the end of the thirty day period, the applicant shall include with the application a statement indicating that the clearinghouse was notified and no comments were received, and a copy of the letter transmitting the application to the clearinghouse.

(3) If the A–95 comments contain any findings of inconsistency with State, areawide or local plans or noncompliance with environmental or civil rights laws, the applicant must state how it proposes to resolve the findings.

(d) *Consistency requirement.* The Department does not intend to fund any activities that are clearly inconsistent with areawide or State plans. Clearinghouses are requested to advise the Department of any proposal it finds clearly inconsistent. Comments must identify the plan against which the finding of inconsistency has been made, as well as the date of adoption of the plan.

(2) In § 570.400, paragraphs (b), (f)(1)(i), and (g) are revised to read as follows:

§ 570.400 General.

* * * * *

(b) *Data.* Wherever data are used in this subpart for selecting applicants for assistance, the source of such data shall be the materials that HUD acquires from the United States Bureau of Census for use in allocating funds pursuant to Subpart B of this part for the same fiscal year appropriation.

* * * * *

(f) * * *

(1) * * *

(i) The application is postmarked or received on or before the final date established by HUD for submission of applications for each fiscal year.

(g) *Program amendments.* Recipients shall request prior HUD approval for program amendments whenever the amendment results from changes in the scope or the objective of the approved program.

* * * * *

(3) In § 570.409, paragraph (d)(1)(i)(c) is revised to read as follows:

§ 570.409 Reallocated funds.

* * * * *

(d) * * *

(1) * * *

(i) * * *

(c) If reallocated funds are available after meeting the urgent needs in all metropolitan areas in that State, to the same metropolitan area or other metropolitan areas in the same State for use in accordance with the provisions of Subpart F; and

* * * * *

(4) In § 570.409(d)(1)(ii)(B), the reference to "§ 570.402" is changed to "subpart F".

(5) In 570.409(d)(2), the reference to "§ 570.400(b)(1) and § 570.402" is changed to "Subpart F".

(6) In 570.409(e) the phrase "the criteria for selection described in § 570.402(b)" is changed to "Subpart F".

(7) In § 570.409(e)(1)(i)(A) and (B) the references to "§ 570.402(a)" are changed to "§ 570.420(c)".

(8) In § 570.409(e)(2) the reference to "§§ 570.300(b)(1) and 570.402" is changed to "Subpart F".

§ 570.503 [Amended]

(9) In § 570.503(a), the reference to "570.402(d)(5)(iii)" is changed to "§ 570.435(c)(2)".

§ 570.504 [Amended]

(10) In § 570.504, the reference to "§ 570.402(d)(5)(iii)" is changed to "§ 570.435(c)(2)".

(11) In § 570.910, a new paragraph (b)(11) is added to read as follows:

§ 570.910 Corrective and remedial action.

* * * * *

(b) * * *

(11) In the case of discretionary grants made under Subpart F, adjust, reduce or withdraw the grant, except for funds already expended on otherwise eligible activities which may not be recaptured or deducted from future grants.

* * * * *

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-128); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., November 8, 1977.

ROBERT C. EMBRY, Jr.
Assistant Secretary for Community Planning and Development.

[FR Doc. 77-33152 Filed 11-17-77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART V

DEPARTMENT OF THE INTERIOR

Bureau of Mines

■

SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM BUREAU OF MINES

Revised Fee Schedule

[4310-53]

Title 30—Mineral Resources

CHAPTER VI—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—HELIUM AND COAL

PART 601—SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM BUREAU OF MINES

Revised Fee Schedule

AGENCY: Department of the Interior, Bureau of Mines.

ACTION: Correction, final rule.

SUMMARY: This rule establishes a complete new list of the prices and charges associated with the sales of helium. The old list of prices and charges did not reflect the increases in cost for labor and materials that has occurred in the two years since the old list was established.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Ray D. Munnerlyn, Chief, Division of Helium, Columbia Plaza Office Building, 5th Floor, 2401 E Street NW., Washington, D.C. 20241, 202-634-4734.

SUPPLEMENTARY INFORMATION: On pages 55208 and 55209 of the FEDERAL REGISTER of Friday, October 14, 1977, there was published an incomplete Appendix in a rulemaking document of Chapter VI, Subchapter A, Part 601 of Title 30 Code of Federal Regulations.

The Appendix in the left hand column of the proposed amendment to Chapter VI, Subchapter A of 30 CFR Part 601, which appeared on page 20838 of the FEDERAL REGISTER of Friday, April 22, 1977, was not published as final rules. To amend this deletion and at the same time provide a complete Schedule of Prices and Charges for final rule, the appendix is published in its entirety rather than just that portion which was omitted.

The primary author of this document is Billy J. King, Chief, Branch of Administration, Division of Helium, Helium Operations, Box H 4372, Herring Plaza, Amarillo, Tex. 79101, telephone FTS: 734-2608; A/C 806-376-2608, with assistance by Jerome E. Veen, Chief, Section of Finance. Helium Operations (same address) FTS: 734-2645; A/C 806-376-2645.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 10, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

This document is corrected by publishing a complete revised fee schedule (Appendix to 30 CFR Part 601) as set forth below.

APPENDIX

SCHEDULE OF PRICES AND CHARGES

Helium sale price:	
Each unit, f.o.b. helium plants	$35.
Minimum order each contract	20 units.
Initial cash advance:	
Contracts for less than 500 units	Full purchase price.[1]
Contracts for 500 units or more	$17,500.
Filling charge:	
Standard-type cylinders	$2.50 each.
Tank cars	$100 each.
Semitrailers	$50 each.
Service charges:	
Furnish new cylinder caps	$2.65 each.
Furnish new cylinder valve and install	$5.20 each.
Hydrostatic test cylinder and indent new test date	$4.65 each.
Indent serial numbers on cylinders	$2.55 each.
Install customer valves	$0.85 each.
Move cylinders to or from plant storage	$0.70 each.
Paint cylinders	$3.00 each.
Paint cylinder caps	$0.45 each.
Remove caps wedged by loose port plug	$5.05 each.
Remove rusted caps that require special handling	$8.70 each.
Removed sheared valve, including retapping threads	$20.15 each.
Replace safeties	$1.75 each.
Rework safeties	$1.40 each.
Reset cylinder valves	$1.65 each.
Rework cylinder valves	$4.40 each.
Reset loose cylinder collar	$2.05 each.
Replace cylinder collar	$11.85 each.
Rubber stamp special information on cylinders	$0.50 each.
Stencil "Helium oil free" on cylinder	$0.90 each.
Stencil special markings on cylinder:	
1st cylinder	$20.35 each.
Additional cylinders in same lot with markings	$0.70 each.
Wash and dry cylinders, includes reset valve	$2.20 each.
Special cylinder tagging	$0.20 each.
Special tagging of cylinder and port plug installed in valve	$1.50 each.
Remove labels and decals from cylinder	$0.30 each.
Seal cylinder—wire with crimped lead shipping seal	$0.35 each.
Use of tank cars:	
Round trip mileage between helium plant and destination, and	$0.11 mile.
Time at destination	$25/d 1st 30 d, $20/d 2d 30 d, $15/d over 60 d.

APPENDIX—Continued

Initial cash advance for use of each tank car:	
Contracts specifying a definite number of round trips	$1,000 each round trip.
Contracts specifying an indefinite number of round trips	$4,000.
Cash, bond, or insurance to guarantee return of containers:	
1 tank car	$100,000.
2 or more but less than 5 tank cars	$200,000.
Each tank car in excess of 4	$20,000.
Use of semitrailers:	
Time in customer's service	$20/d 1st 30 d, $40/d 2d 30 d, $50/d over 60 d.
Initial cash advance for use of each semitrailer:	
Contracts specifying a definite number of round trips	$150 each round trip.
Contracts specifying an indefinite number of round trips	$600.
Cash, bond, or insurance to guarantee return of containers:	
1 trailer	$40,000.
2 or more but less than 5 semitrailers	$100,000.
Each trailer in excess of 4	$10,000.
Use of standard type cylinders:	
Each cylinder	$0.70 a mo.
Minimum each contract	$70.00
Initial cash advance for use of cylinders:	
Contracts for 100 cylinders or less	$210.00
Contracts for more than 100 cylinders	$2.10
Cash, bond, or insurance to guarantee return of cylinders	$40 each.
Additional charge for failing to return containers with minimum residual pressure of 15 lb/in²g of uncontaminated grade A helium—	
Standard type cylinder, evacuating and purge	$2.15 each.

APPENDIX—Continued

Tube trailer, tube banks, or tubes manifolded:	
Individual tube capacity 1,800 ft³ or less:	
Purge	$1 each tube.
Evacuate	$1.20 each tube.
Individual tube capacity greater than 1,800 ft³:	
Purge	$5.50 each tube.
Evacuate	$6.60 each tube.
Tube trailer, tube banks, or tubes not manifolded:	
Individual tube capacity 1,800 ft³ or or less:	
Purge	$2 each tube.
Evacuate	$2.20 each tube.
Individual tube capacity greater than 1,800 ft³:	
Purge	$8.30 each tube.
Evacuate	$8.60 each tube.
Tank car:	
Purge	$90 each tank car.
Evacuate	$110 each tank car.
Use as storage container:	
Tank car	$10 each day.
Palletizing cylinders for shipment:	
Bureau of Mines—furnished pallet	$52 each.
Customer—furnished pallet	$13 each.

[1] The advance shall also include the estimated amount for filling charges and the full amount of estimated charges for the services to be rendered.

[FR Doc.77-33412 Filed 11-17-77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

■

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

Miscellaneous Amendments

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING FEDERAL HOUSING COMMISSIONER

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-77-486]

MULTIFAMILY PROJECTS

Properties Near Military Installations in Federally Impacted Areas Insurance of Mortgages

Insurance of Mortgages

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rulemaking implements the provisions of section 309 of the Housing and Community Development Act of 1977 as it applies to multifamily projects. As amended by section 309 of the Housing and Community Development Act of 1977, the National Housing Act now provides an insurance program for mortgages on properties located near military installations in federally impacted areas. These amendments provide criteria for the insurance of mortgages on properties near military installations in federally impacted areas.

EFFECTIVE DATE: November 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert I. Gould, Director, Multifamily Mortgage Insurance Division, Office of Loan Origination, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-8203.

SUPPLEMENTARY INFORMATION: Section 309 of the Housing and Community Development Act of 1977 amends Section 238(c) of the National Housing Act by authorizing the Secretary to insure a mortgage covering property located near military installations in federally impacted areas where one or more eligibility requirements applicable to the section under which insurance is being sought cannot be met. The amendments to the regulations provide that if certain stipulated conditions are met the Secretary can insure a mortgage on a multifamily project in such area notwithstanding that the property is neither economically sound nor an acceptable risk. The mortgage must meet all of the other eligibility requirements of the section under which it is being insured. The military impact legislation is being implemented only with respect to the residential housing programs under Title II of the National Housing Act, and not to the specialized programs (Sections 231, 232, and 242).

The following amendments implement the changes to Parts 207, 213, and 221. Parts 220, 227, 234, 235 and 236 are also being amended by incorporation by reference. Part 231 is being amended so that the new program will not be incorporated by reference into that part.

The Secretary has determined that such amendments are necessary and comply with the purposes and intent of the Housing and Community Development Act of 1977. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that good cause exists for making these amendments effective upon publication.

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 the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, Chapter I is amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

1. Subpart A of the Table of Contents to Part 207 is amended to include a new section numbered 207.31b and designated, Eligibility of mortgages covering housing near military installations, as follows:

Sec.
§ 207.31b Eligibility of mortgages covering housing near military installations.

2. The following new section is added and designated as 207.31b:

§ 207.31b Eligibility of mortgages covering housing near military installations.

(a) A mortgage financing the construction, repair or rehabilitation of property located near any installation of the United States Armed Forces in a federally impacted area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all the requirements of this subpart, except that the property or project does not have to be economically sound or constitute an acceptable risk if:

(1) The Secretary finds that the benefits to be derived from such use of the property outweigh the risk of probable cost to the Government, and

(2) The Secretary of Defense certifies that there is no intention to curtail substantially the personnel assigned or to be assigned to such installation.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to Section 238(c) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

* * * * *

Subpart B—Contract Rights and Obligations

3. Subpart B of the Table of Contents to Part 207 is amended to include a new section numbered 207.252c and designated, Premiums—mortgages insured pursuant to Section 238(c) of the Act, as follows:

Sec.
207.252c Premiums—mortgages insured pursuant to Section 238(c) of the Act.

4. The following new section is added and designated as 207.252c:

§ 207.252c Premiums—mortgages insured pursuant to Section 238(c) of the Act.

All of the provisions of §§ 207.252 and 207.252a governing mortgage insurance premiums shall apply to mortgages insured under this subpart pursuant to Section 238(c) of the Act except that all mortgage insurance premiums due on such mortgages in accordance with §§ 207.252 and 207.252a shall be calculated on the basis of one percent.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

5. Subpart A of the Table of Contents to Part 213 is amended to include a new section numbered 213.45b and designated, eligibility of mortgages covering housing near military installations, as follows:

Sec.
213.45b Eligibility of mortgages covering housing near military installations.

6. The following new section is added and designated as 213.45b:

§ 213.45b Eligibility of mortgages covering housing near military installations.

(a) A mortgage financing the construction, purchase, repair or rehabilitation of property located near any installation of the United States Armed Forces in a federally impacted area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all the requirements of this subpart, except that the property or project does not have to be economically sound or constitute an acceptable risk if:

(1) The Secretary finds that the benefits to be derived from such use of the property outweight the risk of probable cost to the Government, and

(2) The Secretary of Defense certifies that there is no intention to curtail substantially the personnel assigned or to be assigned to such installation.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to Section 238(c) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

* * * * *

Subpart B—Contract Rights and Obligations—Projects

7. Subpart B of the Table of Contents to Part 213 is amended to include a new

section numbered 213.259a and designated, Premiums—mortgages insured pursuant to Section 238(c) of the Act, as follows:

Sec.
§ 213.259a Premiums—mortgages insured pursuant to Section 238(c) of the Act.

8. The following new section is added and designated as 213.259a:

§ 213.259a Premiums—mortgages insured pursuant to section 238(c) of the Act.

All of the provisions of §§ 213.253 through 213.259 governing mortgage insurance premiums shall apply to mortgages insured under this subpart pursuant to Section 238(c) of the Act, except that all mortgage insurance premiums due on such mortgages in accordance with §§ 213.253 through 213.259 shall be calculated on the basis of one percent.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

9. Subpart C of the Table of Contents to Part 221 is amended to include a new section numbered 221.560a and designated, Eligibility of mortgages covering housing near military installations, as follows:

Sec.
221.560a Eligibility of mortgages covering housing near military installations.

10. The following new section is added and designated as 221.560a:

§ 221.560a Eligibility of mortgages covering housing near military installations.

(a) A mortgage financing the construction, repair or rehabilitation of property located near any installation of the United States Armed Forces in a federally impacted area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all the requirements of this subpart, except that the property or project does not have to be economically sound or constitute an acceptable risk if:

(1) The Secretary finds that the benefits to be derived from such use of the property outweigh the risk of probable cost to the Government, and

(2) The Secretary of Defense certifies that there is no intention to curtail substantially the personnel assigned or to be assigned to such installation.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to Section 238(c) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

* * * * *

Subpart D—Contract Rights and Obligations—Moderate Income Projects

11. Subpart D of the Table of Contents is amended by changing the designation of § 221.755 to Premiums—first, second, third and operating loss loans, as follows:

Sec.
221.755 Premiums—first, second, third and operating loss loans.

12. Section 221.751(a) is amended by adding to the list of excepted sections, 207.252a, Premiums—operating loss loans, as follows:

§ 221.751 Incorporation by reference.

(a) * * *

Sec.

* * * * *

207.252a Premiums—operating loss loans.

* * * * *

13. The introductory text of § 221.755 is amended to read as follows:

§ 221.755 Premiums—first, second, third and operating loss loans.

All of the provisions of §§ 207.252 and 207.252a of this chapter, relating to mortgage insurance premiums, apply to mortgages insured under this subpart that provide for interest at the market rate prescribed in § 221.518(a), except that as to mortgages insured under this subpart pursuant to Section 238(c) of the Act all mortgage insurance premiums due in accordance with §§ 207.252 and 207.252a shall be calculated on the basis of one percent. The provisions of § 207.-252 shall not apply to:

* * * * *

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

14. Section 231.1(a) is amended by inserting a new section numbered 207.31b and designated, Eligibility of mortgages covering housing near military installations, in the list of sections, as follows:

§ 231.1 Incorporation by reference.

(a) * * *

Sec.
207.31b Eligibility of mortgages covering housing near military installations.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart B—Contract Rights and Obligations for Mortgage Insurance

15. Subpart B of the Table of Contents to Part 236 is amended to include a new section numbered 236.253 and designated, Premiums—operating loss loans, as follows:

Sec.
236.253 Premiums—operating loss loans.

16. Section 236.251 is amended by adding to the list of excepted sections, 207.-252a, Premiums—operating loss loans, as follows:

§ 236.251 Incorporation by reference.

Sec.
207.252a Premiums—operating loss loans.

17. Section 236.252 is amended by placing the existing language in a new paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 236.252 First, second, and third mortgage insurance premiums.

All of the provisions of § 207.252 of this chapter governing the first, second and third mortgage insurance premiums shall apply to mortgages insured under this subpart, except:

(a) Where an application for a loan under Section 202 of the Housing Act of 1959 has been filed previously in connection with the project, but it is being financed with a mortgage insured under this part because funds are not available to make the Section 202 loan, the mortgage insurance premium due and payable between the dates of initial and final insurance endorsement shall be at the rate of one-fourth of one percent per annum of the average outstanding principal obligation of the mortgage and such premiums shall be prorated for any fractional part of a year. Following final endorsement, the mortgage insurance premium shall be increased to one-half of one percent and shall be paid as provided in § 207.252.

(b) Where a mortgage has been insured under this subpart pursuant to Section 238(c) of the Act, the mortgage insurance premiums due in accordance with § 207.252 shall be calculated on the basis of one percent.

* * * * *

18. The following new section is added and designated at § 236.253:

§ 236.253 Premiums—operating loss loans.

All of the provisions of § 207.252a of this chapter relating to mortgage insurance premiums on operating loss loans shall apply to mortgages insured under this subpart, except that for mortgages insured pursuant to Section 238(c) of the Act the mortgage insurance premiums due in accordance with § 207.252a shall be calculated on the basis of one percent.

(Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

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

Issued at Washington, D.C., November 10, 1977.

MORTON A. BARUCH,
Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc.77-33345 Filed 11-17-77;8:45 am]

[4210–01]

[Docket No. R–77–487]

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Miscellaneous Amendments

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule amends the above parts dealing with nursing homes, intermediate care facilities, and hospitals with respect to State certification of need. In accordance with the Housing and Community Development Act of 1977, the Secretary of Housing and Urban Development will accept certificates of need for beds from State agencies designated by the Department of Health, Education, and Welfare under either section 1521 or section 604(a)(1) of the Public Health Service Act. It also amends Part 242 covering insured hospital loans in accordance with section 308(b) of the "Housing and Community Development Act of 1977" which provides that: "No mortgage insurance premium shall be charged with respect to the amount of the principal and interest guaranteed by the Department of Health, Education, and Welfare under Title VII of the Public Health Service Act.

EFFECTIVE DATE: November 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert I. Gould, Multifamily Mortgage Insurance Division, Office of Loan Origination, Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–8203.

SUPPLEMENTARY INFORMATION: Prior to the "Housing and Community Development Act of 1977," Sections 232 and 242 of the National Housing Act required the Secretary, as a condition to the insurance of a mortgage for a project covered by either Section, to obtain a certificate of need from the State agency for the State in which the project is located, designated in accordance with Section 604(a)(1) of the "Public Health Service Act."

Public Law 93–641, the "National Health Planning and Resources Development Act of 1974," amended the "Public Health Service Act" by adding a new Section 1521 which authorized the Secretary of Health, Education, and Welfare to enter into and renew agreements for the designation of a State health planning and development agency for each State. Thus, a project which was to be insured under either Section 232 or Section 242 and which was located in a State no longer having a 604(a)(1) agency would not be eligible for mortgage insurance.

Section 308(a) of the "Housing and Community Development Act of 1977" amends Sections 232 and 242 of the National Housing Act by making a State agency designated under Section 1521 of the "Public Health Service Act," as well as a State agency designated under Section 604(a)(1) of that Act, eligible to provide the Secretary with the certification required under Sections 232 and 242.

This final rule amends Parts 232 and 242 of the regulations in accordance with Section 308(a). As a result of this rule, the Secretary will be able to accept a certification from either a 604(a)(1) or 1521 State agency.

The final rule amends Section 242 to implement Section 308(b) of the "Housing and Community Development Act of 1977." The amendment will reduce the premium due on a hospital loan insured by HUD to the extent that such loan is guaranteed by the Department of Health, Education, and Welfare under Title VII. The mortgagee will pay a mortgage insurance premium in accordance with the regulations for all hospital loans except that no premium will be due on that portion of the loan guaranteed by HEW. Neither Section 308(b) of the "Housing and Community Development Act of 1977" nor the regulation implementing it provides for refunds of premiums paid on insured loans guaranteed by HEW prior to the date of the enactment of the "Housing and Community Development Act of 1977."

Since these amendments to Parts 232 and 242 are technical in nature and because of the benefits that will inure to the public from an expeditious implementation of these amendments, the Secretary has determined that advance publication, notice and public procedure are impracticable and unnecessary and good cause exists for making these amendments effective upon publication.

The Department has determined that an Environmental Impact Statement is not required with respect to these amendments. The Finding of Inapplicability in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the Secretary, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly:

A. Part 232 is amended as follows:

Subpart A—Eligibility Requirements

1. Section 232.6(a) is amended by inserting "or section 1521" after "section 604(a)(1)" in paragraph (a) introductory text, as follows:

§ 232.6 Required certificates.

(a) *Certification by State Agency.* Every application for insurance shall be accompanied by a certificate executed by a State agency for the State in which the project is or will be located, designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. Such certificate shall evidence that:

* * * * *

B. Part 242 is amended as follows:

Subpart A—Eligibility Requirements

2. Section 242.5 introduction text is amended by inserting "or section 1521" after "section 604(a)(1)" as follows:

§ 242.5 Certification by State Agency.

Every application for insurance under this Part shall be accompanied by a certificate of the State agency designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act for the State in which the project is or will be located, which certificate shall indicate that:

* * * * *

Subpart B—Contract Rights and Obligations

3. Subpart B of the Table of Contents to Part 242 is amended to include a new section numbered 242.261 and designated, Mortgage insurance premiums—insured mortgages guaranteed in part by the Department of Health, Education, and Welfare, as follows:

Sec.

242.261 Mortgage insurance premiums—insured mortgages guaranteed in part by the Department of Health Education, and Welfare.

4. The following new section is added and designated as 242.261:

§ 242.261 Mortgage insurance premiums—insured mortgages guaranteed in part by the Department of Health, Education, and Welfare.

Where a portion of a mortgage insured under this subpart is guaranteed by the Department of Health, Education, and Welfare under Title VII of the Public Health Service Act, the mortgage insurance premiums required in accordance with § 207.252 of this chapter will be charged only on that portion of the mortgage not covered by the guarantee by HEW.

* * * * *

(Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d))

NOTE.—It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., November 10, 1977.

MORTON A. BARUCH,
Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc.77–33457 Filed 11–17–77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977
PART VII

FEDERAL TRADE COMMISSION

■

RESIDENTIAL THERMAL INSULATION MATERIALS

Labeling and Advertising

[6750–01]

FEDERAL TRADE COMMISSION

[16 CFR Part 460]

LABELING AND ADVERTISING OF RESIDENTIAL THERMAL INSULATION MATERIALS

Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule prescribes disclosure requirements and methods for determining the R values of thermal insulation materials. The rule is intended to ensure that purchasers of those products are furnished with information necessary for them to determine the quantity of the materials needed and to compare the various types of materials in a meaningful fashion.

This notice sets out the procedures to be followed, the text of the proposed rule, a list of general questions and issues upon which the Commission particularly desires comment and testimony, an invitation for written comments, and instructions for prospective witnesses and other interested persons who desire to testify or otherwise participate in the proceedings.

DATES: Notification of interest on or before December 30, 1977.

Written comments and available exhibits on or before January 13, 1978.

Prepared statements on or before January 23, 1978.

Public hearings commence February 13, 1978, in Washington, D.C.

ADDRESSES: Notifications of interest, written comments, available exhibits, prepared statements, submitted in quintuplicate to Jack Kahn, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580. A public hearing will be held on February 23, 1978 at 9 a.m. in Room 332 Federal Trade Commission Building, Pennsylvania Ave. and Sixth Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Heidi P. Sanchez, Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202–724–1453.

SUPPLEMENTARY INFORMATION: The proposed rule is intended to insure three things: First, that resistance values (R values) of thermal insulation materials will be tested in a standardized way; second, that sufficient pre-purchase information will be available to enable consumers to evaluate the resistance capabilities of thermal insulation materials; and third, that advertisements for thermal insulation products will be fair and non-deceptive.

The R value is a familiar concept to insulation manufacturers and building contractors, but is relatively new to most consumers. It is a measurement of the ability of a material to resist the flow of heat from warmer to cooler spaces, and show how well insulation will keep heat out of living areas in summer, and in living areas in winter. Less energy is needed to heat or cool an insulated home because less of the heat passes through the insulation barrier; as a result, fuel bills are lower in a properly-insulated home than in one with insufficient insulation or none at all.

Consumers are generally used to thinking about their insulation needs in terms of thickness; a consumer might be advised, for example, to put six inches of insulation in his unfinished attic floor. However, different thermal insulation products with the same thickness provide different amounts of resistance to heat flow. Six inches of one type of insulation might be measured at R–20, while six inches of another might be R–15, and a third might be R–24 (the higher the R value, the more effective the insulation). If a consumer understood that what was needed in his home was R–20, he would realize that what he should buy was enough of any of these products to reach the R–20 level (which, in this example, would be six inches of the first type, eight inches of the second, or five inches of the third). Thickness, contrary to common belief, is not what matters; the R value attained, at whatever thickness is required to reach a certain resistance level, is what counts. The proposed rule, therefore, is an attempt to provide consumers with information which will enable them to stop thinking in terms of thickness and to start evaluating the comparative R values of the insulation materials they consider purchasing.

The proposed rule covers only thermal resistance products, those materials which are used primarily or solely for insulation. Many other products have some insulation capability, but are used primarily because of their noninsulation features. These products include storm widows and doors (which may be eligible for tax credits under the President's energy plan), draperies, siding, etc. (such products are not likely to be eligible for tax credits). Many of these products can be tested to determine their resistance capabilities, and claims about their insulating value have been appearing increasingly in advertising. These products are not covered by the proposed rule, however, because the testing issues relating to them are far more complex and controversial than those relating to thermal insulation products. While the Commission is concerned about claims for these products, it has determined that they could not be included in this proceeding without unduly interfering with what the rule is intended to accomplish in an expedited manner.

Section 460.3 prescribes standard test methods for determining R values. Published by the American Society for Testing and Materials (ATSM), they are widely accepted in the industry. In addition, all but one are test methods recommended by the Department of Commerce for its National Voluntary Laboratory Accreditation Program (see 42 FR 13326, March 10, 1977). The exception is ASTM C–691–71, which measures the thermal properties of nonhomogeneous insulation on horizontal pipes.

Under § 460.3(a), manufacturers are given discretion to choose one of three test methods for the determination of R values for most kinds of residential thermal insulation. Of these, ASTM C–177–76, Standard Method of Test for Steady-State Thermal Transmission Properties by Means of the Guarded Hot Plate, is the most precise method of measuring R values, but requires an expensive apparatus (approximate cost: $15,000) not readily available to small and middle-range manufacturers, and is time-consuming to perform. Accordingly, where this test proves to be impractical, manufacturers may use ASTM C–518–76, Standard Test Method for Steady State Thermal Transmission Properties by Means of the Heat Flow Meter, or ASTM C–236–66, Standard Method of Test for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box. Unlike ASTM C–177–76 and C–518–76, which measure the insulating material only, C–236–66, as its title suggests, measures the thermal properties of an entire structural component (i.e, wall, ceiling, attic, etc.). From this measurement, the R values of the insulating material installed within the component can be derived. Neither C–518–76 nor ASTM C–236–66 is unduly burdensome, and both, if conducted properly, will achieve an acceptable level of accuracy.

For technical reasons, the optional selection scheme of § 460.3(a) cannot cover reflective insulation (aluminum foil), pipe insulation (homogeneous and nonhomogeneous), or two types of low-density fiber insulation. Section 460.3(b) sets forth the specific ASTM test method for each of these types of residential insulation.

The labeling disclosures are intended to ensure that consumers will have basic information to enable them to make informed purchasing decisions when insulating their homes. Currently, much, but not all of this information is often available on labels. The rule, therefore, would impose a uniform legal requirement of disclosure of information which is currently not always available. In addition, it would place obligations on installers of insulation to supply the same information to consumers.

The disclosures are very narrow in scope: Simply the R value of the insulation (the basic measure of the ability of the insulation to resist heat); the coverage area to which the R applies; the thickness at which the R value will be reached, for loose-fill insulation; and an explanation of the significance of R values. The coverage area has been included because the same insulation will have different R values depending on how widely it is spread. A bag of loose-fill insulation, for example, might have an R value of 10 if used to cover a 20 square foot area, while the same mate-

rial would have an R value of 5 if used to cover a 40 square foot area. The explanation is intended to point out why R is important, and that a higher R insulates better than a lower R.

In addition, the proposed rule would require certain disclosures in advertising for insulation. Advertisements which identify types of insulation may be required to make the labeling disclosures, while other advertisements may be required to include a general statement about the significance of R values and a suggestion that consumers read the label before they buy.

The proposed rule also contains provisions dealing with specific energy or cost savings representations. The proposed rule is premised on the behalf that consumers are entitled to think that claimed savings will apply to them unless they are told otherwise. Insulation can be of substantial benefit in reducing fuel consumption and consequent costs to the consumer, but consumers are entitled to be told realistic, uninflated estimates of their possible savings rather than exaggerations. Similarly, an advertisement which represents that a specific amount (or range of costs) can be attained should state how long it will take for the savings to accrue, so that the consumer's expectations will not be heightened beyond what might reasonably occur.

The proposed rule also deals with representations of savings premised on the purchase of a combination of thermal insulation products or a combination of one or more thermal insulation products and one or more other products with potential insulation capabilities. The concern this provision addresses is that without a disclosure of the amount of savings attributable to each type of insulation advertised, the consumer might be mislead into buying products in the belief they would contribute significantly to savings when in fact some such products might have minimal insulating benefit. Once again, the rule as proposed is an attempt to insure that consumers will get the greatest possible insulating value for their money.

The final advertising provision would simply require that no tax benefits be claimed for advertised insulation if the credit does not apply to such insulation.

SECTION A. PROPOSED TRADE REGULATION RULE

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 15 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning the Labeling and Advertising of Thermal Insulation Materials. Because the Commission has found that the public interest requires expeditious procedures for the rule, it has determined, pursuant to 16 CFR 1.20, to follow the procedures set forth in this notice for this proceeding.

Accordingly, the Commission has proposed the following Trade Regulation Rule which would amend Subchapter D, Trade Regulation Rules of 16 CFR, Chapter I, by adding a new Part 460 as follows:

PART 460—LABELING AND ADVERTISING OF RESIDENTIAL THERMAL INSULATION MATERIALS

Sec.

460.1 Scope.
460.2 Definitions.
460.3 Products testing and rating.
460.4 Labeling.
460.5 Advertising.
460.6 Liability.
460.7 Recordkeeping.
460.8 Prohibitions.
460.9 Effect on other laws.

AUTHORITY: 38 Stat. 717, as amended, 15 U.S.C. 41, et seq.

§ 460.1 Scope.

(a) This Part 460 shall apply to the manufacture, distribution, sale, offer for sale, advertising, labeling, testing, and installation of residential thermal insulation, as hereinafter defined in § 460.2 (c), in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq.

(b) It is an unfair or deceptive act or practice within the meaning of section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1), for any importer, manufacturer, distributor seller, franchisor, utility company, advertiser, testing laboratory, advertising agency, trade association, or installer of thermal insulation to violate any applicable provision of this Part.

§ 460.2 Definitions.

(a) "Person" means an individual, firm, partnership, corporation, association, or any other business organization.

(b) "Industry member" means a person engaged in the importation, manufacture, distribution, sale, promotion, or commercial installation of an industry product, as hereinafter defined, whether under the manufacturer's or a private brand or trademark. This includes franchisors, utility companies, advertising agencies, and trade associations when engaged in any of the above activities.

(c) "Thermal insulation" or "industry product" means any material or assembly of materials used primarily to provide resistance to heat flow, including mineral fibrous, mineral cellular, organic fibrous, organic cellular or reflective materials, whether in loose-fill, flexible, semi-rigid or rigid form.

(d) "Thermal resistance" is the ability of a particular material or assembly of materials to retard heat flow.

(e) (1) "R value" is the numerical measure of the degree of thermal resistance of a particular material or assembly of materials. For purposes of this Part, the R value shall be determined as prescribed by § 460.3.

(2) Where the disclosure of R value is required under § 460.4 (except § 460.4 (c)), and § 460.5, below, the R value to be disclosed shall be the following: for blanket, batt, and other pre-shaped insulation, the total R value of the thickness of one layer as packaged; for all loose-fill insulation (blown, poured, or sprayed in), the R value for a selected thickness. For purposes of § 460.4(c), the R value shall be the total R value for the thickness used. All R values shall be expressed to the nearest whole number, except that where an R value for an inch thickness is disclosed, it shall be to the nearest tenth.

(3) Additional R values may be given as long as the corresponding coverage area in square feet and the thickness are also disclosed.

(f) "Advertisement" means any written or verbal statement, illustration or depiction, other than a label or in the labeling, which is designed to effect the sale of residential thermal insulation, or to create interest in the purchase of such products, whether the same appears in a television or radio broadcast, newspaper or newspaper supplement, magazine or magazine supplement, brochure, leaflet, circular, mailer, book insert, journal, catalog, sales promotional material, other periodical literature, billboard, public transit card, point of purchase display, or in any other media.

(g) "Label" means the stamp, tag, sticker, label, or other means of identification or description which appears on or is affixed to the packaging of residential thermal insulation.

(h) "Clearly and conspicuously" means, in advertising in any media or in labeling, disclosing information in a manner which can be easily seen, read, and understood by the casual observer, listener, or reader among members of the public. Television advertising should conform, in all relevant respects, to the Commission's Statement of Enforcement Policy of October 21, 1970 (see Vol. 2, CCH Trade Regulation Reporter, § 7569.-09); provided however, that the explanatory statement specified in § 460.5(a) need not be included in the audio portion of television advertising. Each disclosure shall be presented in the same language principally employed in the advertisement. (See Commissioner's Statement of Policy of July 24, 1973, as amended, 38 FR 21,494–95.)

(i) "Representation" or "claim" means any direct or indirect statement, suggestion or implication in advertising or labeling, including but not limited to one which is made orally, in writing, pictorially, or by any other audio or visual means, or by any combination thereof.

(j) "Commerce" means commerce as it is defined in the Federal Trade Commission Act, as amended, 15 U.S.C. 44.

(k) "Commission" means the Federal Trade Commisison.

§ 460.3 Product Testing and Rating.

(a) The R value of any type of residenital thermal insulation, except those types referred to in paragraph (b) of this section, shall be determined in conform-

ance with one of the following standards:

(1) American Society of Testing and Materials (ASTM) Method C–177–76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Guarded Hot Plate; or

(2) ASTM Method C–518–76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter; or

(3) ASTM C–236–66, Standard Method of Test for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box.

(b) The R value of each of the following types of residential thermal insulation shall be tested in conformance with the appropriate standard specified below:

(1) The method for reflective insulation is ASTM C–236–66, Standard Method of Test for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box;

(2) The method for low-density mineral-fiber blanket type building insulation is ASTM C–653–70;

(3) The method for low-density fibrous loose fill-type building insulation is ASTM C–687–71;

(4) The method for homogeneous pipe insulation is ASTM C–335–69, Standard Method of Test for Thermal Conductivity of Pipe Insulation; and

(5) The method for non-homogeneous pipe insulation is ASTM C–691–71.

(c) The appropriate ASTM test method, as specified in paragraphs (a) and (b) of this section, shall be conducted for each type of residential thermal insulation manufactured by an industry member for which a disclosure of R value is made in labeling or advertising. The results of such ASTM test method obtained by an industry member shall be the only permissible basis of the R value which is disclosed in labeling or advertising. Reference to a published R value as the basis of a stated R value, in lieu of performing the appropriate ASTM test method upon the manufacturer's product, shall not be permitted.

(d) The ASTM test methods specified in this section, when used as the basis of disclosure of R values in labeling or advertising for any type of residential thermal insulation, may be performed by any laboratory which has the capacity to measure thermal resistance qualities of thermal insulation in accordance with the procedures set forth in the specified ASTM test methods.

§ 460.4 Labeling.

(a) Manufacturers shall affix a label to all packages of insulation sold in packages; and shall provide copies of a printed information sheet for distribution by installers to consumers, in accordance with paragraph (c), below. Each label or sheet shall clearly and conspicuously disclose:

(1) The R value, as defined above;

(2) The area in square feet that each package will cover to attain the stated R value, for all types of insulation sold by package;

(3) The statement: The higher the R value for a given area, the more you save on fuel; and

(4) For loose-fill insulation, the thickness to which the R value and area correspond.

(b) All information required in paragraph (a) shall be clearly visible on the label prior to purchase by the consumer; it shall not be concealed inside a package.

(c) Any industry member who installs any type of residential thermal insulation, whether packaged or formulated at the site of installation, shall distribute to each consumer in writing, prior to contracting and in no case after installation has begun, the information required by paragraph (a), above. In addition, each installer, after completion of installation, shall supply to the consumer along with the invoice (or receipt, if no invoice is provided), a written statement disclosing the R value of the materials for the total thickness used. This R value should be the product of the R value per inch of the installed material multipled by the total number of inches installed.

§ 460.5 Advertising.

(a) (1) Whenever an advertisement discloses or may be required to disclose an R value, as defined in § 460.2(e), above, for insulation, it shall do so clearly and conspicuously, and shall also disclose clearly and conspicuously the coverage area, in square feet, for which the R value will be attained, unless the price, if given, is per square foot; for loose-fill insulation, also the thickness to which the R value and area correspond; and, once in each such advertisement, for a one-year period from the effective date of this Part, the following statement: The higher the R value for a given area, the more you save on fuel.

"(2) The Commission has not determined under what circumstances advertisements should be required to include the disclosures specified in paragraph (1). Advertisements which make specific references to products offered for sale may, under certain circumstances, be required to contain these disclosures. Such circumstances might include type of insulation by material, type of insulation by a combination of material and form (e.g. loose-fill fiberglass), or price for insulation materials. Question 5 below, raises a series of questions on this issue."

"(3) In circumstances where the R-value is not disclosed, the Commission is also considering requiring a general disclosure rather than the disclosures called for in paragraph (1). Such a disclosure might read as follows: The R-value of insulation shows its ability to resist heat flow. The higher the R-value for a given area, the more you save on fuel. Compare R-values shown on labels before you buy."

(b) In addition to any disclosures required by paragraph (a), above, whenever any representation is made, in connection with the sale or offering for sale of any industry product, that a specific amount of savings either of money or of fuel stated either in dollars or as a percentage, can or will be attained in the performance of the product alone or in comparison with a competing product,

(1) The savings claimed must be typically attainable by ordinary consumers in average homes. The savings cannot be attainable only under unusual conditions, such as in very large homes, in previously completely uninsulated homes, or homes in very hot or cold regions of the country; provided, however, that an advertiser may make a claim of unusual savings, if he discloses clearly and conspicuously those conditions under which such savings can or will be attained. In addition, if the conditions resulting in unusual savings do not apply generally in the area covered by the advertisement (local, regional, or national), the advertisement shall also state that the savings will be less for any consumer to whom those circumstances do not apply. For purposes of this section, a representation of a specific amount of savings will be deemed to have been made even if qualifying words are used, such as "may save," "approximately," or "up to."

(2) If the savings is stated as a range (of dollar amounts or percentages), the conditions under which the greater savings can or will be attained shall be disclosed clearly and conspicuously.

(3) The period of time in which the savings can or will occur shall be disclosed clearly and conspicuously (e.g., in one year, over 25 years).

(4) If the savings can or will be attained only if a consumer purchases a combination of products (two or more types of insulation; insulation for two or more locations in the home, such as in the attic and in exterior walls; or one or more types of insulation in combination with one or more other products, such as siding, windows, or any other product which may have some insulating value), the amount of savings attributable to each type of insulation or each location of the same insulation shall be disclosed clearly and conspicuously.

(c) Any advertisement which compares the effectiveness or savings resulting from the advertised insulation to one or more other types of insulation shall base the comparison on equal coverage areas for the products being compared; and in addition to the disclosures about the advertiser's product required in paragraph (a), above, the advertiser shall disclose the R value of the insulation to which the advertised product is being compared.

(d) No advertisement shall state that the advertised insulation is or may be eligibile for tax credits or deductions—

(1) Until the tax credit or deduction has become law, and

(2) Unless the advertised insulation meets any elegibility requirements which may be imposed.

§ 460.6 Liability.

(a) An industry member shall be liable under this Part if he

(1) Fails to make the affirmative disclosures required by § 460.4, whether his insulation is sold under his brand or trademark or under the private brand or trademark of another person: *Provided, however,* That the sole liability for the failure to make the disclosures on packages sold under the manufacturer's brand or trademark shall be the manufacturer's;

(2) Fails to make the affirmative disclosures required by § 460.5 if he disseminates or causes to be disseminated, or pays in whole or in part for, the advertising in which the disclosures are required; or supplies any kind of advertising or sales materials, such as ad copy, ad mats, brochures, or sales manuals, used to develop advertising in which the disclosures are required;

(3) Represents an R value under § 460.4 or § 460.5 that is not based on the applicable test procedure set forth in § 460.3: *Provided, however,* That an industry member who is not a manufacturer shall be liable under this subsection only if he has actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that the R value is not based on the applicable test procedures; or

(4) Misrepresents the R value, coverage area, thickness, savings, or circumstances of the savings, of thermal insulation, whether such representation is made under the requirements of § 460.4 or §460.5 or voluntarily: *Provided, however,* That if a person other than the industry member performs or causes to be performed the test(s) for determining the R value or savings of thermal insulation, then the industry member shall be liable for representing a false R value or savings reported by such other person only if he has actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that such R value or savings is false.

(b) A person other than a laboratory owned or operated by an industry member shall be liable under this Part when it performs a test for determining the R value or savings of thermal insulation, the results of which are later diclosed by an industry member under § 460.4 or § 460.5 or voluntarily, if it

(1) Fails to perform the applicable test under § 460.3 for determining R value in conformance with the procedures set forth in such test; or

(2) Furnishes a false finding of R value or savings to any industry member.

§ 460.7 Recordkeeping.

Manufacturers shall maintain records of the test results and calculations on which the ratings required by § 460.4 and § 460.5 of this Part are based. Test data relating to a given type of insulation shall be preserved for a period of three (3) years.

§ 460.8 Prohibitions.

(a) No person other than the ultimate purchaser of any thermal insulation shall remove the label required by § 460.4 of this Part, except that an installer may remove any packaging materials at time of installation provided he makes such matrials available to the ultimate purchaser.

(b) No claim, express or implied, shall be made which would tend to give the impression that the Federal Trade Commission has certified any disclosure made pursuant to this part.

§ 460.9 Effect on other laws.

This Part 460 prescribes the minimum requirements and liabilities of industry members with respect to testing, labeling, and advertising the thermal performance of any industry product, and supercedes any state law or local ordinance only to the extent that such law or ordinance is inconsistent with the provisions of this Part.

SECTION B. STATEMENT OF REASONS

The Commission has decided to use expedited procedures in this rulemaking proceeding for several reasons. Installation of insulation in American homes can reduce the nation's consumption of energy significantly and lower the fuel bills of individual consumers. Even before the President announced plans to encourage insulation of homes through a federal tax credit, the demand for insulation was growing rapidly, largely because of rising fuel costs over the past three years, and, more recently, the extreme severity of the winter of 1976–77. The unprecedented purchases of insulation already occurring, and the further dramatic rise in demand expected after the probable enactment of a tax credit necessitate the expedited development of this rule. Rapid action will ensure that as many consumers as possible will have information available to enable them to get the best insulation value for their money, and will prevent unfair and deceptive practices as the market expands.

On the basis of industry statements, the Department of Commerce has estimated that between 8 and 9 million homeowners have voluntarily retrofitted their homes with insulation since the 1973 oil embargo and ensuing crisis. ("U.S. Residential Insulation: Study of U.S. Insulation Industry Capacity and Time Required to Retrofit U.S. Housing Inventory: Preliminary Reports" (draft), U.S. Department of Commerce, Construction and Forest Products Division, Office of Business Research and Analysis; July 8, 1977, p. 3.) The Congressional Budget Office has observed that this number represents only a fraction of the eventual response to the 90 percent increase in fuel prices since 1974. ("President Carter's Energy Proposals: A Perspective," Staff Working Paper, June 1977, p. 86.)

The number of consumers insulating their homes has increased dramatically in 1977. According to one industry observer, 1.2 million homes underwent reinsulation during the first quarter of 1977, compared with about 350,000 during the first quarter of 1976. (Washington Post, July 9, 1977, D–4.) Moreover, the President's energy program seeks to have as many as 90 percent of American homes insulated by 1980, and between 25 and 40 million homes are thought to require additional insulation.

It has been estimated that American homes consume the equivalent of 5.3 million barrels of oil a day, and lose 3.2 million barrels a day due to energy inefficiency. ("How to Save Energy," Newsweek, April 18, 1977, p. 70.) Not all of this energy loss could be saved by adequate insulation, but if all homes had a minimum amount of insulation, at least six hundred thousand barrels of oil could be saved. The Congressional Budget Office estimates that insulating an average home would save the owner the equivalent of 6 barrels of heating oil a year, or about $84 with oil at $14 a barrel. This amounts to a saving of 2.9 billion barrels of oil over 27 years by the nation, or, at present value, 29 billion dollars. ("President Carter's Energy Proposals: A Perspective," at 87.)

The National Energy Act which Congress is expected to pass in late 1977, is likely to include a tax credit as an incentive to encourage all home owners to install necessary amounts of insulation in their homes. Even without the tax incentive, the Congressional Budget Office has estimated that the average consumer can expect to save $3 in fuel cost for every dollar invested in insulation over a twenty-year period. ("President Carter's Energy Proposals: A Perspective," at 87–88; with the tax credit, the C.B.O. estimates the savings at $4 for each dollar invested.) The National Bureau of Standards, for example, reduced heat consumption 33 percent by installing insulation in the walls, ceilings, and floors in an experimental house in the Washington, D.C., area.

To keep pace with accelerating demand, manufacturing capacity for fiberglass insulation (by far the most commonly purchased type of thermal insulation at present) is expected to double by 1980 ("President Carter's Energy Proposals: A Perspective," p. 95), and it has been suggested that approximately a dozen new cellulose manufacturers begin production each month. The dual impact of increased demand and rapid expansion of the market creates a situation where abuses of the consumer are likely to occur; the rule is intended to minimize the possibility of such abuses.

The central disclosure required by the proposed rule is the R value of insulation. The R value is a standard measure of the ability of a material to resist heat transmission. Once a consumer decides how much insulating material he needs, the R value disclosure allows him to choose a product providing that value. Where only a limited amount of insulation can be inserted into a fixed space, such as in walls, the disclosure also permits the consumer to purchase the most effective insulation for that area.

The marketplace of today is not eliminating, with any discernible success, the abuses that are occurring in the sale of insulating products. Insulation is an expensive, infrequently purchased item,

and its performance is difficult to determine after purchase. As a consequence, there is a compelling need for adequate disclosure of product information prior to purchase. Yet while millions of homeowners are choosing to bear the high cost of insulation in expection of energy savings and the probable tax credit, there is little evidence that competition is meeting this demand with adequate pre-purchase information on the insulating value of competing types of insulation.

In the existing marketplace, instead of the uniform presentation of standard information about home insulation, there are exaggerated statements of savings; occasional non-disclosures of R value; misrepresentations of R value or R values unsubstantiated by a recognized method of thermal measurement; and frequent failures to disclose supplementary information, such as coverage area, necessary to an interpretation of R value. In this confusing atmosphere, attempts at pre-purchase evaluation can easily decline into exercises in frustration for the consumer.

Following the purchase of insulation, several circumstances, including changes in utility charges, variations in weather, and alterations in lifestyle affecting energy consumption, may significantly affect heating and cooling costs. Thus, the consumer may never know with precision the true insulating value and energy savings, if any, provided by the insulation of his home. Nor, after expensive purchase and installation, would it help him to know that he could have purchased either insulation with the same value for less money or insulation with a higher R value for the same money. Then it is too late. For this reason, and because the purchase of insulation is in a real sense an economic investment, the proposed rule would mandate full disclosure and truthful representation of insulating worth before the critical stages of purchase and installation.

For the disclosures to have the greatest benefit for the largest number of consumers, the Commission believes this proceeding should be conducted in an expedited manner.

Section C. Invitation to Comment

All interested persons are hereby notified that they may submit to Jack Kahn, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, data, views, or arguments on any issue of fact, law, or policy which may have some bearing upon the proposed rule. Such written comments will be accepted until January 1978. To assure prompt consideration, comments should be identified as "Insulation Rulemaking Comment" and furnished where at all possible in five copies.

Section D. General Questions and Issues

While interested persons are invited to address any questions of fact, law, or policy which they feel may have bearing upon the proposed rule, listed below are several general questions and issues of fact bearing upon certain aspects of the proposed rule concerning which the Commission particularly desires comment, orally or in writing, by persons concerned with and participating in this proceeding:

1. *Post-installation problems.* a. To what extent and at what rate do foam insulations including urea formaldehyde, shrink after installation? Can shrinkage reduce the thermal resistance of foam insulation materials? If so, what is the extent and rate of reduction of thermal resistance caused by shrinkage? Should the reduction caused by shrinkage be disclosed to consumers in the labeling or advertising of foam insulation to qualify any R value claims made?

In its preparation leading up to the issuance of this initial notice, the Commission's staff became aware of several research efforts which show that, during the curing process, foam insulation tends to shrink after installation. However, there is disagreement as to the magnitude of the shrinkage and the time period over which it occurs, as well as to the relationship between shrinkage and the thermal resistance of foam insulation after installation. Because of the inconclusive evidence of the effect of shrinkage on thermal resistance materials, the Commission invites interested parties to submit their views, arguments, and research data on this issue.

b. What is the extent to which various types of loosefill insulation, including cellulose, settle after installation? Can settling reduce he thermal resistance of loosefill insulation? If so, to what extent? Should the reduction caused by settling be disclosed to consumers in the labeling or advertising of cellulose insulation?

c. Is thermal resistance reduced by corrosion of surrounding surfaces (i.e., wood, metal, etc.) caused by treatment of cellulose insulation with certain types of flame-retardant chemicals? If so, to what extent? Should the reduction caused by corrosion be disclosed to consumers in the labeling or advertising of cellulose insulation? What are the risks to health and property raised by corrosion?

d. Is thermal resistance reduced by improper installation of insulation? If so, to what extent for each type of insulation? Should the reduction caused by improper installation be disclosed to consumers in labeling or advertising?

e. Are there any other causes of degradation of home insulation materials? If so, what are they, which insulation materials do they affect, and to what extent? Do any cause a reduction in thermal resistance? If so, in which cases, if any, should the reduction be disclosed to consumers in labeling or advertising?

2. *Prescribed test methods.* a. Does each of the test methods yield accurate comparative R value rankings among competing products? Is there bias favoring or disfavoring any product in any of the proposed tests?

b. Are there any thermal insulation materials which cannot be adequately tested by the test methods, taken together?

c. Are there requirements or assumptions in any of the test methods that are without logical or scientific basis?

d. Are extrapolations from test data for a sample of a given thickness, to a reported R value for the same material sold at a greater thickness, valid? If not, to what extent does an increase in thickness affect the R value for each kind of insulation?

e. What are the circumstances and extent of variation between test samples and test conditions on the one hand and installed materials and expected conditions of home use on the other (e.g., testing dry samples when installed insulation tends to become damp with moisture)?

f. Given the current state of technology, is it possible to test the thermal resistance of insulation over a period of time after installation? If so, which test methods are capable of performing such measurements? If not, are there draft or preliminary standards or current research efforts that in the near future could form the basis for measuring thermal resistance of insulation under conditions of actual use? What are the technical difficulties and economic costs of such testing with respect to each type of home insulation? If and when technology makes it possible, should the rule require disclosure of what the R value is likely to be some time after installation?

g. Are the test methods reproducible by any reasonably qualified laboratory? Are other test methods available that are not unduly burdensome and yield acceptable levels of accuracy?

h. Were the proposed test methods developed under a procedure whereby interested parties, including manufacturers, sellers, buyers, consumer groups, government officials, architects and builders, were given notice and an opportunity to participate meaningfully in such proceedings?

i. Are there any other issues relating to the validity and reliability of the referenced test methods which the Commission should consider?

j. To what extent do different segments of the industry currently not use the proposed ASTM test methods in instances where the rule would require that they be used?

Although the testing requirement of § 460.3 appears to be fair and reasonable, the Commission hopes that the above questions will provoke comment upon any problems that may exist with respect to the prescribed ASTM test methods.

Also, because of the implications to consumers of the growing evidence that R values may decline in some cases, some of the questions above seek to ascertain the state of progress of the scientific community in developing a valid standard for measuring R value variations under conditions of actual use. If progress produces such a stand-

ard, the Commission may wish to consider an amendment to this rule which would require disclosure of what the R value will be at a certain point after installation. The Commission welcomes comment from all interested parties on this issue.

3. *Quality control.* What standards of quality control govern the manufacture of each type of home insulation? Are manufacturers of a given type of insulation currently bound by an industry-wide standard for such type, or is each manufacturer free to impose its own? What are the major technical problems in the testing of thermal insulation for quality control? What are reasonable levels of deviation from sample results (i.e., tolerances) for each type of home insulation?

Section 460.6 imposes liability both upon a laboratory for providing false R values and upon any industry member who knowingly discloses the false value in labeling or advertising. Under these provisions, a key element of proof of falsity may be, in some cases, the degree of representativeness of sample R values to the entire production line of insulation. Representativeness, also expressed as reliability, raises complex questions of quality control which should be fully debated in this rulemaking proceeding. Examples are sufficiency of sample size, levels of tolerance, and frequency of test performance. By raising these issues and inviting introduction of any others not stated here, the Commission hopes to gain a better understanding of the complexities of quality control and to ascertain whether an acceptable set of quality control standards now exist.

Section 460.3 prescribes specific test methods for determining the thermal resistance of home insulation. Several of these methods already set forth sample size requirements and other procedures governing the quality control of the thermal properties of insulation. Nevertheless, because, as stated above, quality control can be a complex and economically sensitive question involving reasonable disputes of fact, the Commission wishes to hear the views of interested parties, particularly thermal insulation manufacturers, on this subject.

4. *New homes.* Should sellers of new homes be required, before execution of a contract for sale, to disclose the information in § 460.4 of the proposed rule for all insulation which they install?

The Commission believes that, as fuel rates continue to increase, the performance of insulation in new homes may become, if it is not now, a material fact to new home buyers. The Commission therefore believes that it should consider whether sellers of new homes should be regulated by the disclosure provisions in the proposed rule, and invites comment on this issue.

5. *General advertising disclosures.* What methods of identification of insulation in advertising, if any, should trigger the label disclosures prescribed in § 460.4(a) of the rule? What are the reasons for and against a requirement that the R value disclosures be made in any advertisement which lists a price or range of prices for insulation, or which identifies a type of insulation? Should advertisements not required to make the labeling disclosures be required to include general information about R values? If so, are the statements given in § 460.5(a)(2) adequate to inform consumers about R values? To what extent will consumers infer from these statements that the higher the R value for a given area, the greater will be their net savings? The Commission welcomes the views of interested parties on this issue.

6. *Representativeness of savings claims.* Does § 460.5(b)(1) of the proposed Rule set forth an adequate standard of typicality? If not, what standard of typicality for insulation savings claims would be preferable? Which circumstances (e.g., geographic area, thermostat setting, prior amount of insulation) leading to an unusually high stated savings should be disclosed in the advertisement? Should the proposed rule specify the circumstances to be disclosed, or leave the choice of which circumstances to disclose to the advertiser? Should the rule permit a disclosure of circumstances that qualify a savings claim in lieu of the presently proposed typicality requirement? Are there less onerous but equally useful substantiation requirements that could be substituted for the typicality requirement? In lieu of requiring that savings claims either be based on the experiences of typical consumers or be accompanied by certain qualifications, should the Commission consider a general disclosure forewarning readers concerning the shortcomings of savings claims? If so, what would such a warning say?

Section 460.5(b) prescribes a general standard of typicality for savings claims and mandates both disclosure of the circumstances of unusual savings and a disclaimer that the savings will be less under other conditions. Public comments on the use of consumer endorsements in advertising (40 FR 22,146, May 1975) have shown that the task of articulating the concept of typicality and determining the conditions of typicality in actual consumer use can be a complex one. Accordingly, the Commission welcomes the views of all interested parties on the adequacy of the proposed typicality standard, the existence of typical conditions in the use of insulation, and the types of circumstances that may contribute to unusual savings.

7. *Feasibility of compliance.* For each disclosure and test provision, the Commission would like comment on the cost of compliance for groups covered by the proposed rule. Will it be particularly difficult for installers or contractors to comply with either the preinstallation or the post-installation R value disclosure requirements prescribed by § 460.4(c)? If so, why? Should § 460.4(c) specify in detail the manner and form by which installers are to provide the disclosers required by that section? If so, what format should be adopted and incorporated into the rule? Will it be difficult for the Commission effectively to enforce the requirements of § 460.4(c)? If so, why? What methods might be used to ensure compliance?

Because many consumers do not buy insulation at retail to install themselves, they may never see the product label. As a result, installers and contractors must be the conduit of product information for these purchasers. Accordingly, § 460.4(c) would require them to make the label disclosures in writing to their customers. The Commission recognizes, however, that regular compliance with and effective enforcement of this responsibility may be difficult.

The Commission welcomes comment on the difficulty and cost of compliance for all industry members, particularly for small business.

8. *Other disclosure issues.* (a) To what extent and in what ways do sellers currently provide information about the R value of insulation materials?

b. To what extent do consumers know the R value that meets their optimum (i.e., cost effective) needs for insulation?

c. Should disclosures in advertising or labeling of home insulation be required beyond those called for in the proposed rule? Under what circumstances should such disclosures be required? For example, should the rule require disclosure in advertising of the composition (e.g., fiberglass, cellulose, etc.) or form (e.g., batt, loose-fill, etc.) of an insulation product, and, if so, when? Should density of loose-fill materials be disclosed? The Commission welcomes comment on whether and when further disclosures may be necessary.

9. *Environmental impact.* Is the proposed rule likely to have a significant environmental impact? If so, how?

The above list is not intended to be a list of "disputed issues of material fact that are necessary to resolve" and any right to cross-examine will be determined with reference to the statutory criteria rather than these questions.

Prospective witnesses who testify as to these and other questions and issues raised by the proposed rule are advised that they may be subject to questioning by designated representatives of groups with the same or similar interests in the proceeding and by members of the Commission's staff. Such questioning will be conducted subject to the discretion and control of the Presiding Officer and within such time limitations as he may impose. In the alternative, the Presiding Officer may conduct such examination himself or he may determine that full and true disclosure as to any issue or question may be achieved through rebuttal submissions or the presentation of additional oral or written statements. In all such instances, the Presiding Officer shall be governed by the need for a full and true disclosure of the facts and shall permit or conduct such examination with due regard for relevance to the factual issues raised by the proposed rule and the testimony delivered by each witness.

SECTION E. PUBLIC HEARINGS

Public hearings will be held commencing on February 13, 1978, at 9 a.m. in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, N.W., Washington, D.C. Persons desiring to present their views orally at the hearings should so advise Jack Kahn, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than December 30, 1977.

SECTION F. INSTRUCTIONS TO WITNESSES

1. *Advance notice.* If you wish to testify at the hearings, you must notify the Presiding Officer of your desire to appear and file with him your complete, word-for-word statement no later than January 23, 1978. This advance notice is required so that other interested persons can determine the need for examination and have an opportunity to prepare. Any examination which is permitted will be conducted with regard to the written testimony, which will be entered into the record exactly as submitted. Consequently, it will not be necessary for you to repeat this statement at the hearing. You may simply appear to answer questions with regard to your written statement or you may deliver a short summary of the most important aspects of that statement within time limits to be set by the Presiding Officer. As a general rule, such oral summaries should not exceed ten minutes.

2. *Use of exhibits.* Use of exhibits during oral testimony is encouraged, especially when they are to be used to help clarify technical or complex matters. If you plan to offer documents as exhibits, file them as soon as possible during the period for submission of written comments so they can be studied by other interested persons. Such documents that may be unavailable to you during this period must be filed as soon as possible thereafter and not later than the deadline for filing prepared statements. Mark each of the documents with your name, and number them in sequence, e.g., Jones Exhibit. 1. The Presiding Officer has the power to refuse to accept for the public record any hearing exhibits that are not furnished by the deadline.

3. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement a curriculum vitae, biographical sketch, resume or summary of your professional background and a bibliography of your publications. It would be helpful if you would also include documentation for the opinions and conclusions you express by footnotes to your statements or in separate exhibits. If your testimony is based upon or chiefly concerned with one or two major scientific works, copies should be furnished. The remaining citations to other works can be accomplished by using footnotes in your statement referring to those works.

4. *Results of surveys and other research studies.* If in your testimony you will present the results of a survey or other research study, as distinguished from simple references to previously published studies conducted by others, you must also present as an exhibit or exhibits in compliance with paragraph 2 above the following:

a. A complete report of the survey of other research study and the information and documents listed in (b) through (e) if they are not included in that report.

b. A description of the sampling procedures and selection process including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

c. Copies of all completed questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

d. A description of the methodology used in conducting the survey or other research study including the selection of and instructions to interviewers, introductory remarks by interviewers to respondents and a sample questionnaire or other data collection instrument.

e. A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

Other interested persons may wish to examine the questionnaires, data collection forms and any other underlying data not offered as exhibits and which serve as a basis for your testimony. This information along with punch cards or computer tapes which were used to conduct analyses should be made available (with appropriate explanatory data) upon request of the Presiding Officer. The Presiding Officer will then be in a position to permit their use by other interested persons or their counsel.

5. *Identificaiton, number of copies, and inspection.* To assure prompt consideration, all materials filed by prospective witnesses pursuant to the instructions contained in paragraphs 1–4 above should be identified as "Insulation Statement" ("and Exhibits," if appropriate), and submitted in five copies when feasible and not burdensome.

Copies of all materials filed by witnesses will be made available for examination in Room 130, Public Reference Room, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C.

6. *Reason for requirements.* The foregoing requirements are necessary to permit us to schedule the time for your appearances and that of other witnesses in an orderly manner. Other interested parties must have your expected testimony and supporting documents available for study before the hearing so they can decide whether to examine or cross-examine you or file rebuttals. If you do not comply with all of the requirements, the Presiding Officer has the power to refuse to let you testify.

7. *General procedures.* These hearings will be informal and courtroom rules of evidence will not apply. You will not be placed under oath unless the Presiding Officer so requires. You are also not required to respond to any question outside the area of your written statement, although, if such questions are permitted, you may respond if you feel you are prepared and have something to contribute. The Presiding Officer will assure that all questioning is conducted in a fair and reasonable manner and will allocate time according to the number of parties participating, the legitimate needs of each group for full and true disclosure, and the number and nature of the factual issues discussed. The Presiding Officer further has the right to limit the number of witnesses to be heard if the orderly conduct of the hearing so requires.

The deadlines established by this notice will not be extended and hearing dates will not be postponed unless hardship to participants can be demonstrated.

SECTION G. NOTIFICATION OF INTEREST

Interested persons who wish to avail themselves of the opportunity to question witnesses must, by December 30, 1977, notify the Presiding Officer of their position with respect to the proposed rule and each individual provision thereof. This notification must be in sufficient detail to enable the Presiding Officer to identify groups with the same or similar interests respecting the proposed rule and the Presiding Officer may require the submission of additional information from any applicant whose notification is inadequate. Failure to file an adequate notification in sufficient detail may result in the applicant not being considered for purposes of direct and cross-examination.

Before the hearings commence, the Presiding Officer will identify groups with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of conducting direct or cross-examination and, if unable to make this selection, the Presiding Officer may select a representative of each such group. The Presiding Officer will notify all interested persons of the identity of the group representatives at the earliest practicable time.

SECTION H. POST-HEARING PROCEDURES

Interested persons will be afforded 30 days after the close of the hearings to file rebuttal submissions, which must be based only upon identified, properly cited matters already in the record. The Presiding Officer will reject all submissions which are essentially additional written comment in contrast to rebuttal. The 30-day rebuttal period is intended to include the time consumed in securing a complete transcript.

Not later than 45 days after the close of the rebuttal period the staff shall submit its report as required by § 1.13(g) of the Commission's rules. The Presiding

Officer's report shall be submitted not later than 30 days thereafter and shall be confined to points of difference with the staff report. Post record comments, as described in § 1.13(h), shall be submitted not later than 30 days after the submission of the Presiding Officer's report.

SECTION I. RULEMAKING RECORD

In view of the substantial rulemaking records that have been established in prior trade regulation rulemaking proceedings (and the consequent difficulty in reviewing such records), the Commission urges all interested persons to consider the relevance of any material before placing it on the rulemaking record. While the Commission encourages comments on its proposed rule, the submission of material that is not generally probative of the issues posed by the proposed rule merely overburdens the rulemaking record and decreases its usefulness, both to those reviewing the record and to interested persons using it during the course of the proceeding. The Commission's rulemaking staff has received similar instructions. Material that the staff has obtained during the course of its investigation prior to the initiation of the rulemaking proceeding that is not placed in the rulemaking record will be made available to the public, to the extent that it is considered to be nonexempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552.

SECTION J. COMPENSATION FOR REPRESENTATION IN RULEMAKING PROCEEDINGS

Pursuant to section 18(h) of the FTC Act, funds may be available for reimbursement of public participtions costs incurred in this proceeding to those who satisfy the requirements of section 1.17 of the Commission's rules. For further information contact Bonnie Naradzay, Special Assistant for Public Participation, Bureau of Consumer Protection, Federal Trade Commission, 6th St. and Pennsylvania Avenue NW., Washington, D.C. 20580, 202–523–3868.

Issued: November 11, 1977.

By direction of the Commission.

Commissioner Calvin J. Collier dissented in part and filed a separate statement.

JAMES A. TOBIN,
Acting Secretary.

SEPARATE STATEMENT OF COMMISSIONER CALVIN J. COLLIER

I have dissented, in part, from the Commission's decision to publish the proposed Rule because I have great difficulty imagining circumstances, existing in this industry, which would justify mandating that otherwise truthful advertisements [1] must contain the proposed disclosures.

First, I do not believe we have any explanation why sellers in this generally fragmented industry, particularly those with quality products and valuable reputations, will not compete for consumers' attention and dollars by providing them with material information, in useful forms, and in a manner more responsive to consumer needs than a uniform rule.[2]

Moreover, assuming for the moment that consumers lack adequate information about insulation, we should first look to mandating disclosures through labeling, because this approach imposes fewer restrictions on the making of truthful claims. While label disclosures could be expected to provide curious consumers with reasonably convenient access to useful information, they would appear to impose only minor burdens on sellers. In addition, an accurate label should provide an effective check on false advertising by reducing the costs of consumers in detecting deception: they can simply compare the ads with the labels. By mandating advertising disclosures, however, the Commission runs the risk that the Rule may either significantly increase advertising costs or displace other information, perhaps more useful to consumers.

Finally, I fear the standards of the "ordinary consumer" and the "average home," which the proposed Rule would place on advertisers making fuel savings claims, may be both unworkable and counterproductive. Requiring that savings claims represent the ordinary experience provides little, if any, guidance to the reputable seller in an area where the "average" situation may be difficult to ascertain. Nor are claims representing the ordinary experience of all consumers likely to be meaningful to more than a handful of individual consumers; to the vast majority of consumers the "ordinary" situation (even if it could be ascertained) will be misleading, and perhaps greatly so. At the same time, by imposing uncertain standards carrying the threat of substantial civil penalties, the Commission's action will probably discourage sellers from making reasonably truthful claims that are useful to consumers.[3]

[1] I share the Commission's concern that there is a significant risk at present of deception that may injure consumers in connection with the sale of home insulation goods and services. Sellers are facing burgeoning demand brought about by escalating energy costs and pending tax subsidies. And consumers who are probably unfamiliar with these products and services face significant search costs. Accordingly, I support well targeted efforts at state and federal levels, both public and private, ot check the current and imminent potential for increased consumer deception. All of the proposals, however, do not address these problems.

[2] Nor do I consider the chances of significant aid to comparative shoppers resulting from the Rule's mandatory advertising disclosures to be more than remote as long as sellers can choose not to advertise.

[3] I find it instructive that the U.S. Energy Research and Development Administration has prepared an extensive television and radio advertising campaign and is disseminating promotional literature that appears to display the same characteristics that the advertising provisions of the proposed Rule would prohibit in insulation advertising. For example, these ERDA ads contain "up to," "as much as," and "some people" energy savings claims that are unqualified and unlikely to apply to the average consumer. (See Appendix containing these materials filed as part of the original document on the public record in the Public Reference Room of the Federal Trade Commission) Apparently, ERDA believes such claims are an effective way to communicate useful information to consumers.

[FR Doc.77–33289 Filed 11–17–77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART VIII

DEPARTMENT OF AGRICULTURE

Forest Service

■

ROADLESS AREA REVIEW AND EVALUATION (RARE II)

Inventory List

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

ROADLESS AREA REVIEW AND EVALUATION (RARE II)

Inventory List

Notice is hereby given of the inventory of roadless and undeveloped areas within the National Forests and Grasslands. This notice includes information on the background, coordination and methodology for RARE II. It also includes a listing of areas which while not included in the inventory will have implemenation of planned activities constrained while their wilderness potential is reevaluated at the same time as the inventoried areas are evaluated.

Information regarding details of any specific listed area may be obtained by making inquiry with the Forest Supervisor of the appropriate National Forest.

BACKGROUND

Soon after passage of the Wilderness Act in 1964, the Forest Service and others recognized that there were, in addition to primitive areas, National Forest areas that should be considered for inclusion in the National Wilderness Preservation System (NWPS). As a result, a Roadless Area Review and Evaluation (RARE) program was initiated. This was an effort to identify those roadless and undeveloped areas which were the best candidates for inclusion in the Wilderness System. It resulted in selection in October of 1973 of 274 wilderness study areas containing 12.3 million acres from an inventory of 1,449 areas containing 56 million acres.

Forest Service policy has been to consider the nonselected roadless areas for wilderness potential again during the land management planning process, usually in conjunction with unit planning. While this has resulted in selecting additional study areas and allocation of some areas to nonwilderness uses, the process has been slow. Also, this process, proved generally incapable of adequately considering "wilderness needs" (a national issue) in a planning system whose hallmark is making land allocations within a local context. In some cases, administrative appeals and lawsuits have delayed implementation of plans and programs on areas allocated to other than wilderness by unit plans.

The public has grown impatient with this process. This has been one of the probable causes for increasing congressional proposals and enactments for wilderness or wilderness study prior to completion of formal reviews or planning by the Forest Service. The process has not allowed for full consideration of the cumulative effects on availability of nonwilderness services and goods from the National Forests.

There were several weaknesses in the original RARE. Some areas were subdivided and considered as individual parts rather than as a whole. Criteria for inventory were quite general. As a result, the boundaries for some inventoried roadless areas stopped short of the actual state of roadlessness and some areas were entirely missed. There was latitude for regional interpretation of Service-wide criteria, causing some inconsistency. RARE was designed to deal essentially with the West, with National Forests in the East and the National Grasslands being given less attention.

During recent testimony on H.R. 3454, the Administration indicated its intention to take an overall look at the roadless area situation on the National Forests. The desire is for speedy determination of which areas are needed to help round out a quality National Wilderness Preservation System and which areas should be given no further consideration for wilderness, i.e., be available for a range of nonwilderness uses.

To achieve this aim, the Forest Service has undertaken a new inventory and evaluation of roadless and undeveloped areas in the National Forests and National Grasslands. Because it builds upon and perfects the previous planning effort it is called RARE II. RARE II is an acceleration of the roadless portion of the Forest Service land management planning process. This current review is designed to consider the entire National Forest System, and regional variations will be minimized.

There are several expected results of RARE II. These are: (1) Better input for the continuing land management planning process, (2) data to assist in the 1980 update of the Resources Planning Act assessment and program, and (3) information on which to base recommendations for wilderness proposals. RARE II will provide information on which to base recommendations on which National Forest System areas should be proposed to round out its share of the National Wilderness Preservation System and gain timely release of the remaining roadless areas from further wilderness consideration.

INTERAGENCY COORDINATION

The 1964 Wilderness Act provided that certain lands under the administration of the Forest Service in the Department of Agriculture and certain lands under the administration of the National Park Service and Fish and Wildlife Service in the Department of the Interior should be reviewed as possible units of the National Wilderness Preservation System. The Federal Land Policy and Management Act of 1976 provided that lands under the jurisdiction of the Bureau of Land Management in the Department of the Interior should also be reviewed for possible wilderness designation.

The success of RARE II is dependent to a large measure on close coordination and cooperation between the four Agencies responsible for the administration of the National Wilderness Preservation System. This cooperation has begun.

METHODOLOGY

The RARE II project is composed of three distinct phases:

1. INVENTORY

The goal is to develop a comprehensive inventory, in tabular and map form, of all areas in the National Forest System that meet minimum criteria as wilderness candidates under the Wilderness Act, as manifested by Congress through its actions in adding to the National Wilderness Preservation System. Whether or not any areas should be wilderness was not considered in the inventory phase.

The inventory phase began with an identification and mapping of all roadless and undeveloped areas in the National Forest System by the Forest Service according to specific criteria established by the Forest Service to insure consistency throughout the country. This initial inventory was then made available to the public at 227 workshops across the nation, attended by about 17,000 individuals. The public was encouraged to review the initial inventory and point out mistakes they felt the Service had made in developing the inventory. Opportunity was also given for the public to suggest areas for the inventory that did not meet Forest Service criteria but which the public felt should be considered for wilderness.

This public input was reviewed and the initial inventory was accordingly corrected. Public suggestions for additions that did not meet the Forest Service inventory criteria were also added to the inventory, so long as such inclusions would not: abridge contractual agreements or legal rights; involve areas that had been allocated to nonwilderness uses by completed land management plans on which final environmental statements had been filed; involve areas in which action plans were scheduled for implementation by October 22, 1978; or, be impractical to manage in their natural condition. Suggested additions to the inventory that had been cleared for nonwilderness uses in the land management planning process—through the public involvement and final environmental statement stages—were generally not added to the inventory. The inventory contains 1,920 areas encompassing 65.7 million acres.

This is supplemented by a list of 34 areas that have been through the land management planning process and allocated to nonwilderness use, but which have been identified for additional review. On these, development will be delayed while the additional consideration of wilderness values occurs.

2. EVALUATION PROCESS AND CRITERIA

The goal of the evaluation phase is to identify gaps in the existing NWPS; determine the opportunities within inventoried areas which would help fill these gaps; and then analyze the social and economic impacts of possible wilderness designation of these areas.

Although most of the inventoried areas might qualify for wilderness designation,

an evaluation phase is necessary to help determine which of the areas would be most beneficial to help complete a well rounded out National Wilderness Preservation System as well as which should be made available for nonwilderness uses. This phase will provide the information necessary to determine which areas are most needed for what uses.

Because the Wilderness Act, while defining a wilderness, did not establish criteria for the National Wilderness Preservation System, information was gathered at the previously mentioned public workshops on what factors people felt should be considered in evaluating potential additions to the System. These factors fell in two basic categories; factors that would increase the quality of the Wilderness System and factors relating to social and economic impacts of wilderness designation.

The data relating to the first category indicated that ecosystem and landform representation, accessibility and distribution, and the presence of certain wilderness-associated wildlife habitats are important elements of an "ideal" Wilderness System. Other sources, including professional land managers, the academic community, public interest groups, and works of noted wilderness writers seem to substantiate these findings. These four criteria will, therefore, be used to identify the gaps in the existing system and describe the "ideal" system. This will necessitate evaluating the adequacy of the existing NWPS, in cooperation with Agencies in the Department of the Interior in terms of meeting these characteristics of an "ideal" system. All four involved Agencies will then try to determine which seems most capable of providing candidates to fill the indentified gaps. For the gaps that the National Forest System seems best suited to fill the RARE II inventoried areas will be analyzed as to socioeconomic impacts of alternative selections.

The next evaluation step will be to measure the potential social and economic impacts that would result from designating the suited RARE II areas as wilderness. The information gathered at the workshops indicated that this is a vital phase of evaluation and particular emphasis should be given factors relating to energy and mineral resources and all renewable natural resources.

The evaluation data gathered will be presented so as to show: (a) The characteristics of the existing NWPS, (b) the gaps in the existing NWPS that National Forest System lands should fill, (c) the characteristics of each of the RARE II inventoried areas in relation to the gaps that occur in the existing NWPS, and (d) the social and economic impacts of wilderness designation of several alternative groupings. This will be presented in a programmatic environmental statement having State-by-State or similarly simplified segments for ease of public analysis.

These data will then be offered for public comment. The public will have the field season of 1978 to check the accuracy of these data and present their recommendations as to which areas should be wilderness and which areas should be devoted to nonwilderness uses. These recommendations will be solicited during a formal public involvement period ending in the fall of 1978.

3. FINDINGS AND RECOMMENDATIONS

The goal of this phase is to set forth one or more recommendations to the Congress and the American people that will help round out a quality National Wilderness Preservation System and allocate other roadless lands for nonwilderness uses.

The findings of RARE II will be covered by a Final Environmental Statement setting forth recommendations and alternatives. The recommendations will identify specific areas and will display both the benefits and costs.

The final recommendations should both enhance and round out a quality NWPS and assure prompt availability of other lands for nonwilderness uses. RARE II will not be able to reach recommendations on all roadless and undeveloped areas, so some may have to be considered further by conventional planning and study methods.

JOHN R. MCGUIRE,
Chief, Forest Service.

STATE: AK

CHUGACH N.F.

AREA CODE	AREA NAME	GROSS ACRES
10001	RESURRECTION	297000
10002	KENAI LAKE	263000
10003	JOHNSON PASS	153000
10005	E. KENAI MTNS.	305000
10006	TWENTYMILE	177000
10007	HARRIMAN FIORD	170000
10008	GOLDEN	140000
10009	UNAKWIK	120000
10010	COLUMBIA GLACIER	79000
10011	NELLIE JUAN	552000
10012	PRINCE WILLIAM SOUND IS.	155000
10013	MONTAGUE IS.	212000
10014	FIDALGO/GRAVINA	423000
10015	MINCHENBROOK-HAWKINS	151000
10016	SHERIDAN GLACIER	223000
10017	COPPER RIVER WETLANDS	89000
10018	BERING LAKE	559500
10019	TONKI CAPE	64000
10020	RED PEAK	57000
10021	MALINA BAY	38000

TONGASS N.F.

AREA CODE	AREA NAME	GROSS ACRES
10022	STIKINE RDLES AREA	2008651
10023	CHATHAM RDLES AREA	6181661
10024	KETCHIKAN RDLES AREA	5309688

STATE: AL

NF IN ALABAMA

AREA CODE	AREA NAME	GROSS ACRES
8063	REED BRAKE	686
8064	PERRY MOUNTAIN	5039
8065	DUGGER MOUNTAIN	6616
8066	BLUE MOUNTAIN	2140
8067	SHINBONE CREEK	2102
8068	SIPSEY ADDITION	1864
8206	THOMPSON CREEK	7774
8207	RAGOOD CREEK	3700
8208	BORDEN CREEK	5309
8209	MONTGOMERY-BORDEN CREEK	7411
8210	BRUSHY FORK	6195
8211	RABBITTOWN ADDITION	545
8212	BIG BAY	2997
8213	WEST ELLIOTS CREEK	4237

8214	BIG SANDY	3658
8215	ADAMS GAP	7869
8216	CHOCTAFAULA	2350

STATE: AR

OUACHITA N.F.

AREA CODE	AREA NAME	GROSS ACRES
8004	LITTLE BLAKELY	5140
8005	UPPER KIAMICHI RIVER	300
8006	BEAR MOUNTAIN	3860
8080	BREAD CREEK	3900
8082	BLUE MOUNTAIN	9500
8083	BELLE STARR CAVE WSA	5700
8084	BLACK FORK MOUNTAIN	8100
8085	RICH MOUNTAIN	3100
8087	DRY CREEK WSA	6479
8088	BELL STAR EAST	6000
8089	BELL STAR WEST	5800

OZARK-ST.FRANCIS N.F.

AREA CODE	AREA NAME	GROSS ACRES
8001	RICHLAND CREEK ADD	9180
8002	LEATHERWOOD	19464
8003	BUFFALO ADDITION	2300
8070	INDIAN CREEK	8000
8071	DISMAL CREEK	10460
8072	GEE CREEK	7360
8073	HURRICANE CREEK	16000
8074	PEDESTAL ROCKS	22694
8075	PENHOOK	6010
8076	EAST FORK	21250
8077	RICHLAND CREEK WSA	2100
8078	DEVIL'S CANYON	1954
8079	CLIFTY CANYON	1655

STATE: AZ

APACHE-SITGREAVES N.F.

AREA CODE	AREA NAME	GROSS ACRES
3128	ESCUDILLA MTN	4100
3129	BLACK RIVER CANYON	11630
3130	CENTERFIRE	13100
3131	BEAR WALLOW	9590
3132	NOLAN	6640
3133	CAMPBELL BLUE	7020
3134	MOTHER HUBBARD	2100
3135	PAINTED BLUFFS	42910
3136	MITCHELL PEAK	35670
3137	PIPESTEM	34370
3138	HELL HOLE	15470
3139	LOWER SAN FRANCISCO	59330
3140	SALT HOUSE	22270
3141	HOT AIR	31700
3142	SUNSET	29040

COCONINO N.F.

AREA CODE	AREA NAME	GROSS ACRES
3040	JACKS CANYON	5010
3041	EAST CLEAR CREEK	1730
3042	BARBERSHOP CANYON	1290
3043	LOWER JACKS CANYON	870
3044	HACKBERRY	24910
3045	WET BEAVER	9810
3046	FOSSIL SPRINGS	14090
3047	WEST CLEAR CREEK	33660
3048	STRAWBERRY CRATER SOUTH	8050
3049	SAN FRANCISCO PEAKS	17980
3050	KENDRICK MOUNTAIN	2200
3051	PADRE CANYON	9910
3052	SYCAMORE CNYN WLD CONTIG	2650
3053	RED ROCK SECRET MOUNTAIN	47480
3054	RATTLESNAKE	32870
3055	WALKER MOUNTAIN	8840
3056	HOUSE MOUNTAIN	20770
3057	CIMARRON HILLS	5280
3058	BOULDER CANYON	4550
3059	STRAWBERRY CRATER NORTH	1790

CORONADO N.F.

AREA CODE	AREA NAME	GROSS ACRES
3109	CHIRICAHUA WILD. CONTIG.	60150
3110	WHITMIRE CANYON	5080
3112	NORTH END	23550
3113	MT. WRIGHTSON	25170
3114	TUMACACORI	51490
3115	PAJARITA NO. 1	10320
3116	PAJARITA NO. 2	5500
3117	MILLER PEAK	22510
3118	BRUSHY PEAK	8480
3119	CANELO HILLS	8650
3120	WHETSTONE	36610
3121	SANTA TERESA	27160
3122	WINCHESTER	14100
3123	MT. GRAHAM	55090
3124	GALIURO WILD. CONTIG.	22130
3125	LITTLE RINCON	11560
3126	RINCON MOUNTAINS	62930
3127	KANE SPRINGS	6970
3200	BUNK ROBINSON PEAK	740

KAIBAB N.F.

AREA CODE	AREA NAME	GROSS ACRES
3050	KENDRICK MOUNTAIN	4310

3060	KANAB CREEK	73330
3061	COCONINO RIM	8510
3062	SADDLE MOUNTAIN	39190
3063	RED POINT	7960
3064	BIG RIDGE	8850
3065	BURRO CANYON	20510
3066	WILLIS CANYON	8730

PRESCOTT N.F.

AREA CODE	AREA NAME	GROSS ACRES
3080	JUNIPER MESA	9770
3081	APACHE CREEK	5610
3082	CONNELL MOUNTAINS	9040
3083	SHERIDAN MOUNTAIN	37380
3084	GRANITE MOUNTAIN	8580
3085	CASTLE CREEK	28600
3086	FRITSCHE	14660
3087	MULDOON	5160
3088	WOODCHUTE	5540
3089	BLACK CANYON	10420
3090	ASH CREEK	8430
3091	GRIEF HILL-I 17	12280
3092	ARNOLD MESA	28000
3093	PINE MTN WLD CONTIG	2910
3094	SYCAMORE CNYN WLD CONTIG	8280
3095	BLIND INDIAN CREEK	27040

TONTO N.F.

AREA CODE	AREA NAME	GROSS ACRES
3016	MAZATZAL WLD CONTIG	83750
3017	PINE MOUNTAIN WLD CONTIG	7050
3018	SUPERSTITION WLD CONTIG	32160
3019	SIERRA ANCHA WLD CONTIG	11520
3020	LIME CREEK	43050
3021	HELLS GATE	30400
3022	SALOME	30470
3023	CHERRY CREEK	12130
3024	BOULDER	45000
3025	FOUR PEAKS	55010
3026	GOLDFIELD	16930
3027	BLACK CROSS	6290
3028	HORSE MESA	10450
3029	SALT	41290
3030	PICACHO	7200
3092	ARNOLD MESA	320

STATE: CA

ANGELES N.F.

AREA CODE	AREA NAME	GROSS ACRES
5001	SAN DIMAS	6100
5002	SESPE-FRAZIER	15200
5003	SALT CREEK	11700
5004	FISH CANYON	26400
5005	TULE	10300
5006	MAGIC MOUNTAIN	15500
5007	RED MOUNTAIN	8600
5008	PLEASANT VIEW	26700
5009	STRAWBERRY PEAK	7900
5174	CUCAMONGA	5800
5267	SAN GABRIEL	4200
5270	WEST FORK	4000
5307	SHEEP MOUNTAIN (CDWSA)	60200

CLEVELAND N.F.

AREA CODE	AREA NAME	GROSS ACRES
5010	LADD	5700
5011	COLDWATER	9000
5013	TRABUCO-HOTSPRINGS	23500
5014	WILDHORSE	10800
5015	SAN MATEO	25900
5019	EAGLE PEAK	6800
5020	NO NAME	5200
5021	HAUSER	8000
5022	PINE CREEK	13500
5304	SILL HILL	5200

ELDORADO N.F.

AREA CODE	AREA NAME	GROSS ACRES
5023	PYRAMID	24300
5024	SALT SPRINGS	1900
5025	POISON HOLE	1700
5026	RUBICON	6300
5027	CAPLES CREEK	17900
5028	FAWN LAKE	1100
5982	DARDENELLES	8000
5984	TRAGEDY-ELEPHANTS BACK	28800
5985	RAYMOND PEAK	14500

INYO N.F.

AREA CODE	AREA NAME	GROSS ACRES
5029	SOUTH SIERRA	79500
5030	WONOGA PEAK	13300
5031	INDEPENDENCE CREEK	17600
5032	TINEMAHA	35400
5033	COYOTE - SOUTHEAST	58700
5034	COYOTE - NORTH	14000
5035	TABLE MTN	4500
5036	NORTH LAKE	3100
5038	BUTTERMILK	1000
5039	HORTON CREEK	7800
5040	WHEELER RIDGE	16300
5041	NESSIE	1500
5042	ROCK CREEK WEST	3000
5043	WHISKEY CREEK	1100
5044	NEVAHBE RIDGE	500

5045	LAUREL - MCGEE	7300
5046	SHERWIN	6900
5047	SAN JOAQUIN	33500
5048	GRANT LAKE	2500
5049	HORSE MDW	5700
5050	TIOGA LAKE	800
5051	HALL NATURAL AREA	5700
5052	LOG CABIN SADDLEBAG	31200
5053	DEXTER CYN	18100
5054	GLASS MTN	59200
5055	WATTERSON	7700
5056	BENTON RANGE	11400
5057	DEEP WELLS	10800
5058	WHITE MTNS	222000
5059	BLANCO MTN	17400
5060	BIRCH CREEK	34500
5061	BLACK CANYON	38000
5062	SOLDIER CANYON	45900
5063	ANDREWS MTN	11800
5064	PAIUTE	138100
5288	MONO CRATERS	6900
5988	MT OLSEN	2800
5989	EXCELSIOR	47300

KLAMATH N.F.

AREA CODE	AREA NAME	GROSS ACRES
5065	CALLAHAN FLOW	2000
5066	MT HOFFMAN	500
5067	GRIDER	11000
5068	JOHNSON	10000
5069	TOM MARTIN	9400
5070	KELSEY	4400
5071	BOX CAMP	900
5072	MUSE	200
5073	BOULDER	500
5074	PORTUGUESE	39100
5076	CRAPO	1500
5077	SNOOZER	30500
5078	SHACKLEFORD	4500
5079	ORLEANS MTN	100700
5080	BLACK	8200
5081	RUSSIAN	34400
5272	CUB (FS)	200
5273	FLEM (FS)	200
5274	JACOBS (FS)	500
5283	TITUS	6200
5701	SISKIYOU	128400
5702	INDIAN CREEK	6200
5703	KANGAROO	40500
5704	CONDREY MTN	3100

LAKE TAHOE BASIN M.U.

AREA CODE	AREA NAME	GROSS ACRES
5023	PYRAMID	8400
5261	GRANITE CHIEF	1200
5271	FREEL	15600
5982	DARDENELLES	14500

LASSEN N.F.

AREA CODE	AREA NAME	GROSS ACRES
5083	TIMBERED CRATER	4400
5084	LAVA	7500
5085	MAYFIELD	14700
5086	PROSPECT	4200
5087	DEVIL'S GARDEN	3500
5088	CYPRESS	3400
5089	LOST CREEK	8300
5090	CINDER BUTTE	16000
5091	BLACK CINDER	1400
5092	MT HARKNESS	300
5093	WILD CATTLE MTN	5100
5094	CUB CREEK	9100
5095	TRAIL LAKE	1200
5096	HEART LAKE	9900
5097	POLK SPRINGS	9400
5098	ISHI	71600
5099	CHIPS CREEK	31100
5100	BUTT MTN	8600
5284	MILL CREEK	9800

LOS PADRES N.F.

AREA CODE	AREA NAME	GROSS ACRES
5002	SESPE-FRAZIER	320700
5101	BOTTCHERS	5400
5102	BLACK BUTE	20500
5103	BEAR MOUNTAIN	21400
5104	BEAR CANYON	12600
5105	CHALK PEAK	7100
5106	SILVER-THREE PEAKS	15500
5107	GARCIA MOUNTAIN	25200
5108	BLACK MOUNTAIN	16300
5109	LA PANZA	5500
5110	MACHESNA MOUNTAIN	31700
5111	LOS MACHOS HILLS	11700
5112	BIG ROCKS	11900
5113	STANLEY MOUNTAIN	15900
5114	MIRANDA PINE	12800
5115	HORSESHOE SPRINGS	13300
5116	TEPUSQUET PEAK	5400
5117	LA BREA	61100
5118	SPOOR CANYON	12300
5119	MANZANA	1900
5120	FOX MOUNTAIN	51300
5121	SANTA CRUZ	21200
5122	CONDOR POINT	17200
5123	CAMUESA	6400
5124	MADULCE-BUCKHORN	134200
5125	MONO	25600

5127	DIABLO	19200
5128	JUNCAL	10200
5129	MATILIJA	32000
5130	WHITE LEDGE	18400
5131	DRY LAKES	16600
5132	NORDHOFF	12000
5134	SAWMILL-BADLANDS	90000
5135	CUYAMA	19000
5136	ANTIMONY	39500
5263	TEQUEPIS	8700
5268	QUATAL	6900
5275	MIDWAY CANYON	2400
5276	LOGWOOD	1500
5277	CHURCH CREEK	2500
5278	LITTLE PINE	1000
5279	DE LA GUERRA	5700

MENDOCINO N.F.

AREA CODE	AREA NAME	GROSS ACRES
5137	WILDERNESS CONTIGUOUS	10700
5138	DEER MOUNTAIN	11900
5139	THOMES CREEK	17100
5140	ELK CREEK	18900
5141	THATCHER	12900
5142	GRINDSTONE	26200
5143	REISTER CANYON	6100
5144	SNOW MOUNTAIN (CDWSA)	52500
5145	BIG BUTTE-SHINBONE	22900
5269	BLACK BUTTE	17800
5280	SKELETON GLADE	9700
5281	BRISCOE	6700

MODOC N.F.

AREA CODE	AREA NAME	GROSS ACRES
5065	CALLAHAN FLOW	6000
5066	MT HOFFMAN	12500
5146	KNOX MOUNTAIN	5900
5147	SEARS FLAT	12500
5148	LAVAS	25400
5149	DAMON BUTTE	21000
5150	DOBIE FLAT	12900
5151	BURNT LAVA FLOW	8500
5152	HAT MOUNTAIN	9900
5153	MT VIDA	9100
5154	BEAR CAMP FLAT	2300
5155	SOLDIER	9400
5156	POWLEY	6200
5157	GRANGER	400
5158	PEPPERDINE	500
5159	PARKER	200
5160	MILL	1000
5161	JESS	300
5162	PARSNIP	8200
5163	DRY	7100
5165	STEELE SWAMP	20000
5166	BIG CANYON	6400
5705	CRANE MOUNTAIN	2400
5706	MT BIDWELL	12600

PLUMAS N.F.

AREA CODE	AREA NAME	GROSS ACRES
5099	CHIPS CREEK	13900
5167	MIDDLE FORK	29300
5168	BUCKS LAKE	19400
5169	BALD ROCK	3100
5170	GRIZZLY PEAK	6700
5171	ADAMS PEAK	5500
5172	WEST YUBA	6000

ROGUE RIVER N.F.

AREA CODE	AREA NAME	GROSS ACRES
6703	KANGAROO	24522
6704	CONDREY MOUNTAIN	11216

SAN BERNARDINO N.F.

AREA CODE	AREA NAME	GROSS ACRES
5174	CUCAMONGA	18900
5175	SAN SEVAINE	8000
5176	CIRCLE MOUNTAIN	6700
5177	CAJON	7300
5178	DEEP CREEK	23400
5180	GRANITE PEAK	11700
5181	MILL PEAK	9700
5182	CRYSTAL CREEK	7500
5183	CITY CREEK	11200
5184	FORSEE CREEK	700
5185	FISH CREEK	700
5186	SUGARLOAF	8800
5187	RAYWOOD FLATS	43200
5188	CACTUS SPRINGS	24800
5189	PYRAMID PEAK	28600
5190	SPITLER PEAK	7200
5191	SOUTH RIDGE	1100
5192	BLACK MOUNTAIN	300
5193	CABAZON PEAK	5100
5194	CAHUILLA MOUNTAIN	7100
5195	ROUSE HILL	13700
5196	HORSE CREEK RIDGE	10100
5302	HIXON FLAT	8900
5303	HEARTBREAK RIDGE	6100
5307	SHEEP MOUNTAIN (CDWSA)	8400

SEQUOIA N.F.

AREA CODE	AREA NAME	GROSS ACRES
5029	SOUTH SIERRA	97800
5197	OAT MTN	12400
5198	KINGS RIVER	24300
5199	AGNEW	18200

5200	JENNIE LAKES	13700
5201	KINGS CANYON	2700
5202	DENNISON PEAK	6700
5203	MOSES	29600
5204	BLACK MTN	15800
5205	SLATE MTN	13100
5206	WOODPECKER	44400
5207	DOMELAND ADDITION	3100
5208	RINCON	59700
5209	CANNELL	47300
5210	CHICO	43700
5211	LYON RIDGE	5200
5212	SCODIES	48000
5213	WOOLSTAFF	44300
5214	MILL CREEK	29900
5215	GREENHORN CREEK	29700
5305	DOMELAND ADDITIONS II	1100

SHASTA TRINITY N.F.

AREA CODE	AREA NAME	GROSS ACRES
5079	ORLEANS MTN	3100
5133	WELLS MOUNTAIN	8700
5151	BURNT LAVA FLOW	300
5216	BACKBONE	14700
5217	BONANZA KING	19600
5218	BELL-QUIMBY	15600
5219	CASTLE CRAGS	13000
5220	CHANCHELULLA	10200
5221	CHINQUAPIN	21500
5222	COW CREEK	21300
5223	DEVILS ROCK	17300
5224	DOG CREEK	5500
5225	EAST BEEGUM	8600
5226	EAST FORK	6200
5227	EAST GIRARD	43100
5228	LITTLE FRENCH CREEK	25900
5229	MT. EDDY	9600
5230	KETTLE MOUNTAIN	9300
5231	MT. SHASTA	35200
5232	PANTHER	11200
5233	PATTISON	28900
5234	PENNEY RIDGE	5400
5235	SLATE CREEK	6800
5236	SOUTH FORK	17200
5237	UNDERWOOD	3300
5238	WEST GIRARD	39800
5239	WEST BEEGUM	5300
5286	SALT GULCH	6100
5298	MURPHY GLADE	900
5299	FISHER GULCH	7400
5300	EAGLE	6900
5800	BAKEOVEN RIDGE	1600
5801	STOVELEG GAP	1000
5802	HOBO GULCH	1300
5803	CHINA SPRINGS	1300
5804	WEAVER BALLY	18200
5805	CHERRY FLAT	100
5806	GRANITE PEAK	3200
5807	LAKE ELEANOR	7600

SIERRA N.F.

AREA CODE	AREA NAME	GROSS ACRES
5047	SAN JOAQUIN	125400
5198	KINGS RIVER	29700
5240	FERGUSON RIDGE	6100
5241	DEVIL GULCH	30300
5242	MOUNT RAYMOND	6700
5243	SHUTEYE	7700
5244	DINKEY LAKES	118100
5245	WOODCHUCK	19700
5246	SYCAMORE SPRINGS	8900

SISKIYOU N.F.

AREA CODE	AREA NAME	GROSS ACRES
6701	SISKIYOU	8294

SIX RIVERS N.F.

AREA CODE	AREA NAME	GROSS ACRES
5079	ORLEANS MTN	45200
5145	BIG BUTTE-SHINBONE	12400
5222	COW CREEK	1300
5237	UNDERWOOD	7300
5247	KELLY	5500
5248	MONKEY	8900
5250	NORTH FORK	8100
5251	SOLDIER	14700
5252	SALT CREEK	8800
5253	YOLLA BOLLY EXT.	100
5308	BOARD CAMP	5000
5309	MT LASSIC	6800
5310	PILOT CREEK	9500
5701	SISKIYOU	72300
5707	NORTH FORK SMITH	39400
5708	PACKSADDLE	3600
5709	SO. KALMIOPSIS ADMIN.	200

STANISLAUS N.F.

AREA CODE	AREA NAME	GROSS ACRES
5255	MT. REBA	4600
5256	NORTH MOUNTAIN	7900
5257	TRUMBULL PEAK	6500
5258	TUOLOMNE RIVER	18200
5810	CHERRY LAKE	1000
5811	BELL MEDOW	7400
5812	WATER HOUSE	3900
5813	EAGLE	15500
5814	DOME	11300
5815	NIGHT	3000

5985	RAYMOND PEAK	17500
5986	CARSON ICEBERG	168300

TAHOE N.F.

AREA CODE	AREA NAME	GROSS ACRES
5172	WEST YUBA	14200
5259	DUNCAN CANYON	9500
5260	GROUSE LAKES	19300
5261	GRANITE CHIEF	35700
5262	NORTH FORK AMERICAN	41900
5264	EAST YUBA	17100
5265	N F MIDDLE FORK AMERICAN	11100
5981	BALD MTN	5500

TOIYABE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4656	WILDHORSE	24260
4657	SWEETWATER	59980
4658	DEVILS GATE	8640
4660	LONG	3870
4662	HOOVER EXTENSION	99860
4666	LEAVITT LAKE	4660
4981	BALD MTN	960
4982	DARDENELLES	2480
4984	TRAGEDY-ELEPHANTS BACK	1280
4985	RAYMOND PEAK	38350
4986	CARSON-ICEBERG	113690
4988	MT OLSEN	820

STATE: CO

GRAND MESA UNCOMPAHGRE GUNNISON

AREA CODE	AREA NAME	GROSS ACRES
2180	ELK MOUNTAINS-COLLEGIATE	137900
2181	RAGGEDS	123970
2182	DRIFT CREEK	1440
2184	SPRINGHOUSE PARK	16000
2185	ELECTRIC MTN	8600
2186	CLEAR CREEK	41100
2189	HIGHTOWER	5000
2191	PRIEST MOUNTAIN	102580
2192	SALT CREEK	10880
2193	BATTLEMENT MESA	36800
2194	NICK MOUNTAIN	10400
2195	KANNAH CREEK	29650
2196	WEST ELK	208410
2198	BEAVER-CASTLE	62780
2199	GOTHIC MTN	6700
2200	WHETSTONE MTN	16500
2201	FLATTOP MTN	23530
2202	BOSTON PEAK	50100
2203	MATCHLESS	35600
2204	CRYSTAL CREEK	91680
2205	KREUTZER-PRINCETON	13300
2206	ROMLEY	8900
2207	CANYON CREEK	14000
2209	COCHETOPA HILL	65680
2210	COCHETOPA DOME	7000
2212	SAWTOOTH MTN	45400
2215	MINERAL MTN	51600
2217	MIDDLE FORK	6440
2218	CANNIBAL PLATEAU	31990
2220	CARSON PEAK	27600
2221	CRYSTAL PEAK	5440
2223	ELK CREEK	3100
2224	UNCOMPAHGRE	39040
2225	EL PASO CREEK	3200
2226	CIMARRON	15000
2228	BALDY PEAK	10240
2229	BEAVER CREEK	1480
2231	UPPER W FK DALLAS CREEK	1880
2232	IRON MOUNTAIN	7880
2237	SUNSHINE MESA	1120
2238	WILSON MESA	1960
2239	OPHIR NEEDLES	480
2240	SAN MIGUEL	9620
2241	ROUBIDEAU	19780
2242	TABEQUACHE	10240
2243	KELSO MESA	34390
2244	BLACK POINT	10750
2245	UTE CREEK	28360
2246	CAMPBELL POINT	11300
2247	JOHNSON CREEK	10330
2358	CHIPETA	16520
2359	SNEVA MOUNTAIN	600

MANTI LASAL N.F.

AREA CODE	AREA NAME	GROSS ACRES
4434	ROC CREEK	8216

RIO GRANDE N.F.

AREA CODE	AREA NAME	GROSS ACRES
2209	COCHETOPA HILL	24210
2210	COCHETOPA DOME	4730
2217	MIDDLE FORK	19310
2220	CARSON PEAK	88730
2264	STARVATION CREEK	22040
2265	PORPHYRY PEAK	24580
2266	SANGRE DE CRISTO	150000
2274	SAGUACHE PEAK	11540
2275	TRACY MOUNTAIN	22790
2277	SAGUACHE CREEK	13910
2278	WHEELER-WASON	58910
2279	BRISTOL HEAD	67940
2280	DEEP CREEK-DECKER CREEK	120280
2281	FOX MOUNTAIN	9130

2282	BENNETT PEAK	66460
2283	WILLOW MOUNTAIN	40240
2284	SOUTH SAN JUAN	128580
2299	BEAR CREEK	6900
2300	RIO GRANDE RESERVOIR	2770
2301	RUBY LAKE	4090
2331	BEAVER MOUNTAIN	7880
2332	GROUSE MOUNTAIN	6120
2333	ALDER-BEAR	9090
2337	SHAW SPRINGS	12910
2999	CRUCES BASIN	1560

ROOSEVELT N.F. - ARAPAHO

AREA CODE	AREA NAME	GROSS ACRES
2096	HALL CREEK	11160
2109	ARAPAHO CREEK DS	79150
2111	NEVER SUMMER DU	36000
2112	COOK CREEK	7270
2113	WILLIAMS PEAK AM	25350
2114	WILLIAMS FORK AH	74820
2115	EAST RAWAH	41680
2116	GREEN RIDGE	45670
2117	GREYROCK	12740
2118	LITTLE SOUTH	9030
2119	COMANCHE-BIG SOUTH	95850
2120	NEOTA FLATTOPS	10100
2121	CROSIER MOUNTAIN	7410
2122	HELL CANYON	11590
2123	NORTH ST. VRAIN	17130
2124	INDIAN PEAKS-A	3400
2125	INDIAN PEAKS B	4340
2126	INDIAN PEAKS C	4160
2127	INDIAN PEAKS D	2230
2128	INDIAN PEAKS E	1450
2129	JAMES PEAK B	29000
2131	INDIAN PEAKS G	820
2132	STRAWBERRY CREEK	17370
2133	INDIAN PEAKS H	12330
2134	ST. LOUIS PEAK	10500
2136	KELLY CREEK	8600
2137	HARRIGAN CREEK	1720
2138	MARYLAND CREEK	2920
2139	CORRAL CREEK	540
2140	JACQUE PEAK	9640
2141	TENMILE	31040
2142	RED PEAK	4300
2143	JEFFERSON	1350
2144	SQUARE TOP MOUNTAIN	6510
2145	MT EVANS	46570
2151	ELLIOTT RIDGE	2280
2208	INDIAN PEAKS F	66010
2309	WILLOW CREEK	19720
2321	MT SNIKTAU	6900
2322	MONTGOMERY PASS	3380
2323	RAWAH SOUTH	350
2324	EAST RAWAH A	5300
2328	KEOTA	6400
2329	SAND CREEK	12640
2350	OTTER CREEK	1670
2351	BRUSH CREEK	970
2353	VASQUEZ	3120

ROUTT N.F.

AREA CODE	AREA NAME	GROSS ACRES
2080	PLATTE RIVER MG-1	2180
2097	SUGARLOAF DE	36230
2098	NIPPLE CREEK DD	48900
2099	ELKHORN MOUNTAIN DC	13440
2100	DAVIS PEAK DA & DA-1	100610
2101	REPUBLIC CREEK DV	7380
2102	RAINBOW LAKES DR & DR-1	7300
2103	FISHHOOK DQ	40350
2104	SERVICE CREEK DP & DP-1	66180
2105	MORRISON DN	11160
2106	COBERLY GULCH DK	9230
2107	FISH CREEK DH	12040
2108	PAGODA PEAK	56840
2109	ARAPAHO CREEK DS	19970
2110	OWL MOUNTAIN DI	9220
2111	NEVER SUMMER DU	13950
2157	RAWAH--WEST	2090
2354	GREEN RIDGE DQ	8700
2355	MAD CREEK DB & DB-1	83340

SAN ISABEL N.F. - PIKE

AREA CODE	AREA NAME	GROSS ACRES
2143	JEFFERSON	10910
2144	SQUARE TOP MOUNTAIN	6240
2145	MT EVANS	44680
2170	HOLY CROSS	15860
2180	ELK MOUNTAINS-COLLEGIATE	118460
2205	KREUTZER-PRINCETON	37540
2206	ROMLEY	6600
2248	SILVERHEELS	7880
2249	WESTON PEAK	13040
2250	BUFFALO PEAKS	63480
2251	BURNING BEAR	19520
2252	LOST CREEK	111930
2253	THIRTYNINE MILE	10100
2254	GREEN MOUNTAIN	9960
2255	RAMPART WEST	24620
2256	FRONT RANGE	25070
2257	EAST PIKES PEAK	12840
2258	WEST PIKES PEAK	8920
2259	MT MASSIVE	26140
2260	MT ELBERT	18880
2261	MT ANTERO	39480
2262	ASPEN RIDGE	18420

2263	BADGER CREEK	15000
2264	STARVATION CREEK	8080
2265	PORPHYRY PEAK	3480
2266	SANGRE DE CRISTO	98820
2267	MT BLANCA	11500
2268	TANNER PEAK	18000
2269	SCRAGGY PEAKS	10320
2270	GREENHORN MTN	37760
2271	SPANISH PEAKS	32000
2272	PURGATOIRE	14400
2273	CUCHARA	16120
2335	CHICAGO RIDGE	940
2338	HIGHLINE	12160
2339	HARDSCRABBLE	8300
2340	ST CHARLES PEAK	10880
2341	ARNOLD GULCH	5100
2342	BOREAS	5500
2343	FARNUM	5740
2344	PUMA	8320
2345	GUNBARREL	8320
2346	SHEEPROCK	5760
2347	THUNDER BUTTE	7960
2358	CHIPETA	23580

SAN JUAN N.F.

AREA CODE	AREA NAME	GROSS ACRES
2235	LIZARD HEAD	17500
2240	SAN MIGUEL	62320
2284	SOUTH SAN JUAN	123320
2285	TREASURE MTN	21910
2286	TURKEY CREEK	23420
2287	MARTINEZ CREEK	6420
2288	DAVIS MTN	1320
2289	MONK ROCK	2260
2290	POISON PARK	9060
2291	GRAHAM PARK	12090
2292	PIEDRA	114260
2293	RUNLETT PARK	6610
2294	FLORIDA RIVER	50420
2295	HD MOUNTAIN	20010
2296	TENMILE CREEK	380
2297	WHITEHEAD PEAK	760
2298	CUNNINGHAM CREEK	1700
2302	EAST ANIMAS	18700
2303	WEST NEEDLE	24550
2304	BLACKHAWK MOUNTAIN	17750
2305	STORM PEAK	52310
2306	HERMOSA	146900
2307	SHEEP MOUNTAIN	4150
2315	RYMAN	9030

WHITE RIVER N.F.

AREA CODE	AREA NAME	GROSS ACRES
2108	PAGODA PEAK	48660
2140	JACQUE PEAK	5190
2146	TWO ELK	16520
2147	SPRADDLE CREEK	1060
2148	MIDDLE CREEK	8400
2149	SOUTH FORK PINEY RIVER	3760
2150	PINEY	12120
2151	ELLIOTT RIDGE	2050
2152	DOME PEAK	9080
2153	DERBY AREA	3240
2154	RED DIRT	4520
2155	SWEETWATER	8810
2156	HUNNS PEAK	5870
2158	COW LAKE	2830
2159	BURRO MOUNTAIN	14960
2160	WHITE RIVER	16250
2163	NORTH ELK	24100
2164	THREE FORKS	8420
2165	BUTLER CREEK	5890
2166	MAIN ELK	48530
2167	CANYON CREEK	37270
2168	GRIZZLY CREEK	38760
2169	GRAND MESA	6340
2170	HOLY CROSS	136200
2171	GARDNER PARK	6660
2172	ADAM MOUNTAIN	5700
2173	SEVEN HERMITS	6260
2174	HARDSCRABBLE	9300
2175	RED TABLE NORTH	18880
2176	RED TABLES	68940
2177	PORPHYRY MOUNTAIN	56270
2178	HUNTER-FRYINGPAN	67000
2179	IVANHOE	2680
2180	ELK MOUNTAINS-COLLEGIATE	132480
2181	RAGGEDS	25100
2182	DRIFT CREEK	5890
2183	PERHAM CREEK	25980
2187	BALDY MOUNTAIN	6910
2188	HORSE PARK	9920
2189	HIGHTOWER	27360
2193	BATTLEMENT MESA	37360
2334	BIG BEAVER BASIN	5400
2335	CHICAGO RIDGE	4480
2348	DEEP CREEK	11060
2349	MITCHELL CREEK	5000

STATE: FL

NF IN FLORIDA

AREA CODE	AREA NAME	GROSS ACRES
8008	MUD SWAMP-NEW RIVER	8250
8009	SAVANNAH	1945
8010	BIG GUM SWAMP	13600

8011	ALEXANDER SPRINGS CREEK	13650
8100	POST OFFICE BAY	7280
8101	BLACK CREEK ISLAND	8560
8102	BAY CREEK	5645
8103	PROVIDENCE	6885
8104	LONG BAY	8084
8105	GUM BAY	9180
8106	CLEAR LAKE	6485
8107	IMPASSIBLE BAY	6240
8108	NATURAL AREA	4380
8109	LITTLE LAKE GEORGE	2375
8305	FARLES PRAIRIE	3305
8306	BUCK LAKE	5680
8307	BAPTIST LAKE	8525
8308	SOPCHOPPY RIVER WSA	1171

STATE: GA

CHATTAHOOCHEE-OCONEE *

AREA CODE	AREA NAME	GROSS ACRES
8026	OVERFLOW	4600
8027	BLOOD MOUNTAIN	12165
8028	RAVEN CLIFF	15900
8029	CHATTAHOOCHEE RIVER	23100
8030	TRAY MOUNTAIN	36300
8031	ELLICOTT ROCK EXTENSION	4100
8141	HEMP TOP	1300
8142	MOUNTAIN TOWN	7335
8143	RICH MOUNTAIN	19460
8144	MILL CREEK	7100
8145	BOARD CAMP	4000
8146	BRASSTOWN	4820
8147	RABUN BALD	18910
8148	RAND MOUNTAIN	3500
8149	WOLF PEN	8500
8220	SPRINGER MOUNTAIN	11000
8221	LICKLOG	8300
8222	BLACKWELL	2600
8223	BUZZARD KNOB	8600
8224	WORLEY RIDGE	3000
8225	ANNA RUBY	3500
8226	LITTLE ROCK	1500

STATE: ID

BITTERROOT N.F.

AREA CODE	AREA NAME	GROSS ACRES
1845	MEADOW CREEK	105600
1941	BLUE JOINT MTN	65100

BOISE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4061	TEN MILE	106730
4066	SULPHUR	3220
4451	NEEDLES	3820

CARIBOU N.F.

AREA CODE	AREA NAME	GROSS ACRES
4111	GANNETT SPRING CREEK	20500
4151	WEST MINK	21100
4152	SCOUT MOUNTAIN	34480
4153	TOPONCE	17060
4154	BONNEVILLE PEAK	34350
4155	NORTH PEBBLE	6100
4156	ELKHORN MOUNTAIN	45600
4157	OXFORD MOUNTAIN	43100
4158	DEEP CREEK	6000
4159	CLARKSTON MOUNTAIN	15020
4160	POLE CREEK	6220
4161	CARIBOU CITY	84120
4162	STUMP CREEK	103640
4163	SCHMID PEAK	10920
4164	DRY RIDGE	27640
4165	HUCKLEBERRY BASIN	30560
4166	SAGE CREEK	17850
4167	MEADE PEAK	43520
4168	HELL HOLE	6020
4169	TELEPHONE DRAW	5090
4170	RED MOUNTAIN	13800
4171	SODA POINT	23750
4172	SHERMAN PEAK	14600
4173	STAUFFER CREEK	7860
4174	WILLIAMS CREEK	10540
4175	LIBERTY CREEK	16800
4176	MINK CREEK	16300
4177	PARIS PEAK	9200
4178	STATION CREEK	9100
4179	WORM CREEK	41800
4180	SWAN CREEK MTN	10300
4181	GIBSON	8501
4615	BEAR CREEK	20150
4758	MOUNT NAOMI	28840

CHALLIS N.F.

AREA CODE	AREA NAME	GROSS ACRES
4061	TEN MILE	14880
4063	RED MOUNTIAN	4560
4066	SULPHUR	331465
4201	PIONEER MOUNTAINS	107640
4202	CAMAS CREEK	142600
4204	GROUSE PEAK	8120
4207	LOON CREEK	155210
4209	PAHSIMEROI	92720
4210	BORAH PEAK	138304

4211	KING MOUNTIAN	94680
4212	JUMPOFF MOUNTIAN	25400
4217	SQUAW CREEK	106852
4218	GREYLOCK	11870
4219	SPRING BASIN	5400
4502	TAYLOR MOUNTAIN	17480
4503	LEMHI RANGE	146950
4551	WHITE CLOUD BOULDER	39700
4601	DIAMOND PEAK	89033

CLEARWATER N.F.

AREA CODE	AREA NAME	GROSS ACRES
1300	MALLARD LARKINS	138600
1301	HOODOO	151400
1302	MEADOW CREEK-UPPER NORTH	47200
1303	SIWASH	9900
1304	POT MOUNTAIN	50500
1305	MOOSE MOUNTAIN	21400
1306	BIG HORN WEITAS	261900
1307	N. LOCHSA SLOPE	130200
1308	WEIR + POST OFFICE CREEK	27200
1309	WILDERNESS BORDER	9840
1310	SECTION 16 WILDERNESS BD	500
1311	LOCHSA FACE	47100
1312	ELDORADO CREEK	9800
1313	RAWHIDE	5300
1805	LOLO CREEK	100
1841	RACKCLIFF GEDNEY	36000

IDAHO PANHANDLE N.F.

AREA CODE	AREA NAME	GROSS ACRES
1121	LITTLE GRASS MTN	4540
1122	BLACKTAIL MTN	5140
1123	UPPER PRIEST LAKE	14680
1125	SELKIRKS	104410
1126	KOOTENAI PEAK	6700
1127	WHITE MTN	9440
1128	HELLROARING	13870
1129	TRESTLE PEAK	7940
1130	BEE TOP	11210
1131	EAST CATHEDRAL PEAK	22350
1132	MAGEE	36930
1133	TEPEE CR	6240
1134	SPY GLASS	6970
1135	SKITWISH RIDGE	6010
1136	SPION KOP	31300
1137	LOST CREEK	11600
1138	TROUBLE CR	6100
1139	GRAHAM COAL	12000
1140	PONY PEAK	7200
1141	MAPLE PEAK	8820
1142	STEVENS PEAK	4760
1143	BIG CREEK	79340
1144	STORM CREEK	9400
1145	HAMMOND CREEK	21100
1146	ROLAND POINT	6400
1147	NORTH FORK	32100
1148	GRANDMOTHER MTN	39430
1149	PINCHOT BUTTE	12860
1150	MOSQUITO FLY	20700
1151	MIDGET PEAK	7300
1152	WONDERFUL PK	5420
1300	MALLARD LARKINS	146120
1302	MEADOW CREEK-UPPER NORTH	6600
1661	BUCKHORN RIDGE	4550
1662	SCOTCHMAN PEAKS	20720
1664	TROUT CREEK	8500
1792	GILT EDGE SILVER CR	300
1799	SHEEP MTN STATE LINE	30500
1981	SALMO PRIEST	8330

KOOTENAI N.F.

AREA CODE	AREA NAME	GROSS ACRES
1661	BUCKHORN RIDGE	39
1662	SCOTCHMAN PEAKS	506

NEZPERCE N.F.

AREA CODE	AREA NAME	GROSS ACRES
1841	RACKCLIFF GEDNEY	53000
1842	MIDDLE FORK FACE	11200
1843	GODDARD CREEK	13600
1844	CLEAR CREEK	26700
1845	MEADOW CREEK	193100
1846	MIDDLE BARGAMIN	12800
1847	MALLARD	23300
1848	DIXIE SUMMIT-NUT HILL	26700
1849	SILVER CREEK-PILOT KNOB	36100
1850	N FORK SLATE CREEK	14700
1851	LITTLE SLATE CREEK	9200
1852	JOHN DAY	10000
1853	BIG CANYON A	16500
1854	KLOPTON CR-CORRAL CR	24300
1855	SALMON FACE	9300
1857	KELLY MOUNTAIN	3700
1921	GOSPEL HUMP	335400
1922	RAPID RIVER	28100

PAYETTE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4062	SNOWBANK	2480
4451	NEEDLES	91980
4453	MEADOW CREEK	22315
4454	PINNACLE PEAK	44257
4455	LICK CREEK	165771
4456	PLACER CREEK	7141
4457	SMITH CREEK	2257
4458	CHIMNEY ROCK	8758
4459	CRYSTAL MOUNTAIN	13912

4460	CAREY CREEK	8556
4461	FRENCH CREEK	127363
4462	INDIAN CREEK	6400
4463	FLAT CREEK	6029
4464	CUDDY MOUNTAIN	45705
4465	SHEEP GULCH	6046
4466	COUNCIL MOUNTAIN	16236
4921	GOSPEL HUMP	168020
4922	RAPID RIVER	123400

SALMON N.F.

AREA CODE	AREA NAME	GROSS ACRES
4202	CAMAS CREEK	16400
4501	NAPOLEAN RIDGE	7710
4502	TAYLOR MOUNTAIN	48105
4503	LEMHI RANGE	194700
4504	PANTHER CREEK	94474
4505	MCELENY	33625
4506	JUREANO	31470
4507	HAYSTACK MOUNTAIN	12300
4508	PHELAN	14035
4509	DEEP CREEK	28170
4510	JEESE CREEK	19740
4511	PERREAU CREEK	9160
4512	AGENCY CREEK	10240
4941	BLUE JOINT MOUNTAIN	20000
4942	ANDERSON MTN	18340
4943	WEST BIG HOLE	70560
4944	GOAT MOUNTAIN	33670
4945	ITALIAN PEAK	52540
4946	ALLAN MOUNTAIN	46670

SAWTOOTH N.F.

AREA CODE	AREA NAME	GROSS ACRES
4061	TEN MILE	22016
4201	PIONEER MOUNTAINS	65792
4551	WHITE CLOUD BOULDER	242688
4552	LIME CREEK	14208
4553	SOUTH BOISE-YUBA RIVER	167047
4571	FIFTH FORK ROCK CREEK	6528
4572	THIRD FORK ROCK CREEK	15769
4574	COTTONWOOD	12288
4576	LONE CEDAR	7552
4578	MAHOGANY BUTTE	22528
4579	THOROBRED	7322
4582	CACHE PEAK	28801
4583	MT HARRISON	31526
4588	SUBLETT	7040

TARGHEE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4160	POLE CREEK	2680
4161	CARIBOU CITY	9340
4601	DIAMOND PEAK	94400
4603	RAYNOLDS PASS	6250
4604	TWO TOP	11790
4605	HEADWATERS BUFFALO RIVER	3640
4606	WARM RIVER NORTH	8300
4607	WARM RIVER SOUTH	32710
4608	WARM RIVER EAST	8120
4609	SNAKE RIVER	8830
4610	WEST SLOPE TETONS	160
4611	GARNS MOUNTAIN	114790
4612	MOODY CREEK	9350
4613	PALISADES	111250
4614	BALD MOUNTAIN	15480
4615	BEAR CREEK	78700
4616	POKER PEAK	18600
4945	ITALIAN PEAK	146280
4961	GARFIELD MOUNTAIN	27510
4962	MOUNT JEFFERSON	17460
4963	LIONHEAD	16860

STATE: IL

SHAWNEE N.F.

AREA CODE	AREA NAME	GROSS ACRES
9098	PANTHER DEN	950
9099	BURKE BRANCH	7207
9100	GARDEN OF THE GODS	4192
9101	RIPPLE HOLLOW	4270
9102	MURRAY BLUFF	4646
9103	BURDEN FALLS	3580

STATE: KY

DANIEL BOONE N.F.

AREA CODE	AREA NAME	GROSS ACRES
8038	TROUBLESOME	19141
8160	COVE CREEK CAVE	4300

STATE: LA

KISATCHIE N.F.

AREA CODE	AREA NAME	GROSS ACRES
8014	KISATCHIE HILLS	9120
8120	CUNNINGHAM BRAKES	2100

STATE: MI

HIAWATHA N.F.

AREA CODE	AREA NAME	GROSS ACRES
9013	ROCK RIVER	5350
9188	BIG ISLAND LAKE	6606
9189	CARP RIVER	10030
9190	HORSESHOE BAY	5636
9191	FIBER	8285
9192	DELIRIUM	11330
9197	GOVERNMENT ISLAND	214
9198	ROUND ISLAND	544

HURON-MANISTEE N.F.

AREA CODE	AREA NAME	GROSS ACRES
9148	NORDHOUSE DUNES	2919
9149	BEAR SWAMP	4354

OTTAWA N.F.

AREA CODE	AREA NAME	GROSS ACRES
9014	STURGEON R WILD. STUDY A	13208
9210	LITTLE SILVER ADDITION	6136
9211	SYLVANIA	21216
9213	CASCADE FALLS	9480

STATE: MN

CHIPPEWA N.F.

AREA CODE	AREA NAME	GROSS ACRES
9145	ELMWOOD ISLAND	39
9146	POTATO ISLAND	10
9147	BIG ISLAND	28

SUPERIOR N.F.

AREA CODE	AREA NAME	GROSS ACRES
9117	MISSISSIPPI CREEK	7150
9118	CABIN CREEK	7955
9119	TAIT LAKE	7263
9120	PHANTOM LAKE	9782
9132	LITTLE INDIAN SIOUX	1463
9133	MOOSE PORTAGE III	1179
9134	BALDPATE LK	640
9135	HEGMAN LAKES	3275
9136	WOOD LAKE	1887
9137	SOUTH KAWISHIWI RIVER	1238
9138	BRULE LK-EAGLE MOUNTAIN	22148
9139	KAWISHIWI LK TO SAWBILL	16765
9140	BAKER-HOMER-BRULE LAKES	9063

STATE: MO

MARK TWAIN N.F.

AREA CODE	AREA NAME	GROSS ACRES
9015	BELL MOUNTAIN	8530
9016	PADDY CREEK	6888
9017	PINEY CREEK	8430
9018	ROCKPILE MOUNTAIN	4170
9220	DEVILSBACKBONE	6830
9221	IRISHWILDERNESS	17562
9222	ANDERSON MOUNTAIN	2622
9223	SPRING CREEK	4910
9224	SWAN CREEK	6945
9225	BIG CREEK	8890

NF IN MISSISSIPPI

AREA CODE	AREA NAME	GROSS ACRES
8310	SANDY CREEK	2375
8311	BLACK CREEK	5000
8312	LEAF	940

STATE: MT

BEAVERHEAD N.F.

AREA CODE	AREA NAME	GROSS ACRES
1001	NORTH BIG HOLE	62800
1003	BEAVER LAKE	29800
1004	SAGINAW CREEK	26200
1005	TASH PEAK	71900
1006	WEST PIONEER	263700
1008	EAST PIONEER	148300
1009	CALL MOUNTAIN	9200
1010	CATTLE GULCH	19700
1011	FLEECER	16800
1012	GRANULATED MOUNTAIN	14700
1013	MIDDLE MTN.-TOBACCO ROOTS	66200
1014	POTOSI	9200
1015	BEAR CREEK	8900
1016	MCKENZIE CANYON	34500
1017	SOURDOUGH PEAK	14800
1018	TIMBER BUTTE	5400
1019	DIXON MOUNTAIN	3700
1020	FOUR EYES CANYON	7500
1021	SHEEP MOUNTAIN	31700
1022	CROCKETT LAKE	6700
1023	CHERRY LAKES	14700
1024	VIGILANTE	16300
1025	SNOWCREST MOUNTAIN	99800
1026	BLACK BUTTE	38600
1027	BIG HORN MOUNTAIN	51300
1028	LONE BUTTE	13900

1029	FREEZEOUT MOUNTAIN	99100
1549	MADISON	151840
1942	ANDERSON MOUNTAIN	30600
1943	WEST BIG HOLE	139400
1944	GOAT MOUNTAIN	11800
1945	ITALIAN PEAK	91200
1961	GARFIELD MOUNTAIN	37000
1962	MOUNT JEFFERSON	4600

BITTERROOT N.F.

AREA CODE	AREA NAME	GROSS ACRES
1001	NORTH BIG HOLE	3800
1061	BLODGETT CANYON	9600
1062	NORTH FORK LOST HORSE	7800
1063	TRAPPER CREEK	2500
1064	NELSON LAKE	2900
1065	SWIFT CREEK	700
1066	NEEDLE CREEK	1100
1421	SAPPHIRES	42600
1845	MEADOW CREEK	12600
1941	BLUE JOINT MTN	61400

CUSTER N.F.

AREA CODE	AREA NAME	GROSS ACRES
1362	LOST WATER CANYON	10800
1363	RED LODGE CR HELLROARING	33448
1366	FISHTAIL SADDLEBACK MTN	12500
1370	COOK MOUNTAIN	11700
1371	NORTH ABSAROKA	76300
1372	KING MOUNTAIN	11900
1373	TONGUE RIVER BREAKS	16600
1911	LINE CREEK PLATEAU	20680
1912	BEARTOOTH	3900
1913	ROCK CREEK	3200

DEERLODGE N.F.

AREA CODE	AREA NAME	GROSS ACRES
1011	FLEECER	21020
1013	MIDDLE MTN-TOBACCO ROOTS	38100
1421	SAPPHIRES	74400
1423	EMERINE	17000
1424	SILVER KING	46200
1425	NORTH CARP	8320
1426	UPPER EAST FORK	7750
1427	STORM LAKE	9700
1428	FLINT RANGE	52340
1429	DOLDS LAKES	9100
1430	BASIN CR	9400
1431	HIGHLANDS	20360
1432	O'NEIL CREEK	7700
1433	WHITETAIL	53000
1434	HAYSTACK	25200
1435	FRED BURR	6700
1609	ELECTRIC PK	18550
1620	ELKHORN STUDY	11200
1807	QUIGG	15360
1808	STONY MTN	24480

FLATHEAD N.F.

AREA CODE	AREA NAME	GROSS ACRES
1481	MT HEFTY	13700
1482	TUCHUCK	18600
1483	THOMPSON SETON	23000
1485	BEAR-MARSHL-SCAPEGT-SWAN	538750
1500	MISSION ADDITION 1	960
1501	MISSION ADDITION 2	360
1502	MISSION ADDITION 3	640
1503	MISSION ADDITION 4	640
1504	MISSION ADDITION 5	150
1505	MISSION ADDITION 6	80
1506	MISSION ADDITION 7	300
1507	LE BEAU	5407
1508	EAST SHORE	5190

GALLATIN N.F.

AREA CODE	AREA NAME	GROSS ACRES
1371	NORTH ABSAROKA	140100
1541	CRAZY MOUNTAINS	110220
1543	BRIDGER	33000
1545	REPUBLIC MOUNTAIN	700
1547	CHICO PEAK	12400
1548	HYALITE	198300
1549	MADISON	240980
1550	DRY CANYON	1500
1742	BOX CANYON	2300
1912	BEARTOOTH	8800
1914	REEF	2300
1963	LIONHEAD	22400

HELENA N.F.

AREA CODE	AREA NAME	GROSS ACRES
1485	BEAR-MARSHL-SCAPEGT-SWAN	63900
1601	LINCOLN GULCH	10500
1602	ANACONDA HILL	19800
1603	SPECIMEN CREEK	18900
1604	CRATER MOUNTAIN	9400
1605	OGDEN MOUNTAIN	14000
1606	NEVADA MOUNTAIN	58800
1607	JERICHO MOUNTAIN	11400
1608	LAZYMAN GULCH	13000
1609	ELECTRIC PK	38500
1610	BIG LOG	12400
1611	DEVILS TOWER	9200
1612	MIDDLEMAN MOUNTAIN	28500
1613	HEDGES MOUNTAIN	23000
1614	HELLGATE GULCH	22200
1615	CAYUSE MOUNTAIN	26300
1616	CAMAS CREEK	43000

1617	MOUNT BALDY	18700
1618	GRASSY MOUNTAIN	6300
1619	ELLIS CANYON	15900
1620	ELKHORN STUDY	74600

IDAHO PANHANDLE N.F.

AREA CODE	AREA NAME	GROSS ACRES
1661	BUCKHORN RIDGE	1890
1662	SCOTCHMAN PEAKS	13560
1663	NORTHWEST PEAK	5350

KOOTENAI N.F.

AREA CODE	AREA NAME	GROSS ACRES
1141	MAPLE PEAK	889
1482	TUCHUCK	2280
1483	THOMPSON SETON	5700
1661	BUCKHORN RIDGE	2934
1662	SCOTCHMAN PEAKS	52176
1663	NORTHWEST PEAK	8780
1664	TROUT CREEK	32640
1665	CATARACT	18215
1666	MT HENRY	21000
1667	GRIZZLY PEAK	5854
1668	GOLD HILL	17282
1669	RICHARDS MOUNTAIN	14215
1670	CABINET FACE WEST	7440
1671	CABINET FACE EAST	18154
1672	BERRAY MOUNTAIN	8612
1673	GOVERNMENT MOUNTAIN	8611
1674	LONE CLIFF SMEADS	14244
1675	MCNEELEY	8902
1676	MCKAY CREEK	11776
1677	GALENA CREEK	16998
1678	EAST FORK ELK CREEK	6423
1679	BOUNDARY MOUNTAIN	3072
1680	WAREX	2304
1681	CABINET FACE EAST (WEST)	1246
1682	CHIPPEWA CREEK	1037
1683	TEN LAKES	34000
1684	RODERICK	1560
1784	CUBE-IRON	391

LEWIS AND CLARK N.F.

AREA CODE	AREA NAME	GROSS ACRES
1485	BEAR-MARSHL-SCAPEGT-SWAN	394900
1541	CRAZY MOUNTAINS	28900
1721	SAWTOOTH	15500
1726	TENDERFOOT-DEEP CREEK	112000
1727	PILGRIM CREEK	50000
1728	PAINE GULCH	8500
1729	SAWMILL CREEK	12800
1730	TW MOUNTAIN	8500
1731	BIG BALDY	44200
1732	GRANITE MOUNTAIN	11300
1733	TOLLGATE - SHEEP	29400
1734	MIDDLE FORK JUDITH	92200
1735	MOUNT HIGH	33000
1737	HIGHWOOD - BALDY	15600
1738	HIGHWOODS	24300
1739	BIG SNOWIES	121700
1740	BLUFF MOUNTAIN	37600
1741	SPRING CREEK	21400
1742	BOX CANYON	14300
1743	CASTLE MOUNTAINS	31100
1744	NORTH FORK OF SMITH	8800
1745	CALF CREEK	12800
1746	EAGLE PARK	6300

LOLO N.F.

AREA CODE	AREA NAME	GROSS ACRES
1142	STEVENS PEAK	700
1146	ROLAND POINT	700
1152	WONDERFUL PK	1600
1301	HOODOO	91800
1302	MEADOW CREEK-UPPER NORTH	7200
1424	SILVER KING	13500
1485	BEAR-MARSHL-SCAPEGT-SWAN	123100
1665	CATARACT	9900
1781	MARSHALL PEAK	9400
1784	CUBE-IRON	24200
1785	SUNDANCE RIDGE	11800
1786	TEEPEE-SPRING CREEK	30300
1790	MOUNT BUSHNELL	18900
1791	CHERRY PEAK	23600
1792	GILT EDGE SILVER CR	11200
1794	PATRICKS KNOB-N CUTOFF	25800
1795	SOUTH SIEGEL-S CUT OFF	19100
1796	NORTH SIEGEL	10200
1798	MARBLE POINT	15000
1799	SHEEP MTN STATE LINE	40700
1800	STARK MOUNTAIN	10400
1801	RATTLESNAKE	45700
1803	BURDETTE	15500
1805	LOLO CREEK	16400
1806	WELCOME CREEK	1100
1807	QUIGG	68200
1808	STONY MTN	33120
1809	GARDEN POINT	6900

STATE: NB

NEBRASKA N.F.

AREA CODE	AREA NAME	GROSS ACRES
2001	PINE RIDGE	7640
2002	SOLDIER CREEK	8088

STATE: NC

NF IN NO. CAROLINA

AREA CODE	AREA NAME	GROSS ACRES
8015	POCOSIN	13000
8031	ELLICOTT ROCK EXTENSION	3000
8054	BIG CREEK	5500
8055	BALSAM CONE	14429
8056	CRAGGY MTN EXTENSION	1280
8057	SHINING ROCK EXTENSION	10400
8059	CHUNKY GAL	12445
8060	CHEOAH BALD	21434
8061	SNOWBIRD	5490
8062	JOYCE KILMER SLICKROCKEY	1179
8190	TUSQUITEE MOUNTAINS	16860
8193	CRAGGY MTN WSA	1100
8194	JOYCE KILMER SLICKROCKEY	205
8195	JOYCE KILMER SLICKROCKEY	307
8196	SHEEP RIDGE	5380
8197	WILDCAT	7120
8198	FISHHAWK MOUNTAIN	3000
8199	CATFISH LAKE SOUTH	7695
8200	MIDDLE PRONG	10200
8201	JOYCE KILMER SLICKROCKEY	2868
8202	NOLICHUCKY	3920
8203	BIRKHEAD MOUNTAINS	6810
8204	POND PINE	1860

STATE: NH

WHITE MOUNTAIN N.F.

AREA CODE	AREA NAME	GROSS ACRES
9062	CARR MOUNTAIN	10000
9064	WILD RIVER	44200
9065	ELBOW POND	8500
9066	PEMIGEWASSET	74500
9067	SANDWICH RANGE	38500
9068	GREAT GULF EXTENSION	14500
9069	PRESIDENTIAL-DRY R EXT	16300
9071	WATERVILLE	4200
9072	KINSMAN MOUNTAIN	9000
9073	CHERRY MOUNTAIN	11300
9074	DARTMOUTH RANGE	13500
9075	MT WOLF-GORDON POND	11500
9076	JOBILDUNK	7000
9077	KERSARGE	5000

STATE: NM

CARSON N.F.

AREA CODE	AREA NAME	GROSS ACRES
3031	LATIR PEAK	25960
3032	COLUMBINE - HONDO	50050
3033	WHEELER PK WLD CONTIG	17700
3034	CRUCES BASIN	22820
3035	CANJILON MOUNTAIN	7800
3036	BULL CANYON	12200
3037	SIERRA NEGRA	10400
3038	PECOS WLD CONTIG AREAS	13000
3039	COMALES CANYON	4900
3999	OSIER MESA	3100

CIBOLA N.F.

AREA CODE	AREA NAME	GROSS ACRES
3001	MT. TAYLOR	6360
3002	RANGER CABIN	6380
3003	CERRO ALESNA	6910
3004	GUADALUPE	12650
3005	MADRE MOUNTAIN	21650
3006	SCOTT MESA	13500
3007	GOAT SPRINGS	6180
3008	RYAN HILL	36640
3010	DATIL	14670
3011	WITHINGTON	19110
3012	WHITE CAP	7840
3013	APACHE KID	117630
3014	SAN JOSE	17890
3015	SANDIA MTN PROP WLD CONT	20
3401	RANGER CABIN	6380

CORONADO N.F.

AREA CODE	AREA NAME	GROSS ACRES
3110	WHITMIRE CANYON	7660
3111	JUNIPER BASIN	4270
3200	BUNK ROBINSON PEAK	15110

GILA N.F.

AREA CODE	AREA NAME	GROSS ACRES
3132	NOLAN	12200
3134	MOTHER HUBBARD	6090
3138	HELL HOLE	18860
3139	LOWER SAN FRANCISCO	25560
3143	THE HUB	7770
3144	BRUSHY SPRINGS	5790
3145	APACHE MOUNTAIN	17810
3146	FRISCO BOX	40050
3147	BRUSHY MOUNTAIN	7890
3148	ASPEN MOUNTAIN	22110
3149	WAGON TONGUE	11560
3150	EAGLE PEAK	30380
3151	DEVILS CREEK	91545
3152	GILA BOX	24350

3153	ELK MOUNTAIN	6110
3154	T BAR	7080
3155	CANYON CREEK	9370
3156	CONT. TO GILA WILD&PRIM.	89250
3157	TAYLOR CREEK	6130
3158	STONE CANYON	7340
3159	WAHOO MOUNTAIN	23880
3160	POVERTY CREEK	10260
3161	DRY CREEK	29560
3162	CONT.TO BLACK & ALDO WLD	125710
3163	LARGO	13110
3164	SAWYERS PEAK	64200
3165	MEADOW CREEK	34140
3166	CONTIGUOUS TO BLUE RANGE	5090

LINCOLN N.F.

AREA CODE	AREA NAME	GROSS ACRES
3067	CARRIZO MOUNTAIN	16450
3068	TUCSON MOUNTAIN	20130
3069	CAPITAN MOUNTAIN	47910
3070	WHITE MT WILD CONTIG	21690
3071	ORTEGA PEAK	10890
3072	WEST FACE SACRAMENTO MTS	42730
3073	JEFFRIES CANYON	8990
3074	LITTLE DOG + PUP CANYONS	25920
3075	NORTH ROCKY CANYON	6810
3076	LAST CHANCE CANYON	9860
3077	SOUTHERN GUADALUPE MTS	21300
3078	GRAPEVINE	2070
3079	CULP	3350

SANTA FE N.F.

AREA CODE	AREA NAME	GROSS ACRES
3038	PECOS WLD CONTIG AREAS	131110
3096	TESUQUE	9140
3097	CORRAL	9950
3098	CHAMA PROP WLD CONTIG AR	4800
3099	SAN PEDRO PARKS WLD CONT	5670
3100	CANONES-PEDERNAL	12900
3101	BARRANCA	6150
3102	POLVADERA	15480
3103	EROSION	46020
3104	CABALLO	8800
3105	DOME CONTIG TO BNDLR WLD	15000
3106	CAJA CONTIG TO BNDLR WLD	13000
3107	PERALTA	13400
3108	VIRGIN	6250

STATE: NV

HUMBOLDT N.F.

AREA CODE	AREA NAME	GROSS ACRES
4351	EIGHT MILE	5680
4352	MT MORIAH	97205
4353	SEIGEL	8761
4354	NORTH SCHELL	50585
4355	SOUTH SCHELL	134133
4356	DUCK CREEK MOUNTAINS	13287
4357	CAVE CREEK	6990
4358	COOPER	13950
4359	WHEELER PEAK	61919
4360	QUINN	102605
4361	BLACK SPRINGS	10190
4362	WHITE PINE	42207
4363	MOKO MOKE	14700
4364	SHELLBACK	40220
4365	BALD MOUNTAIN	22760
4366	COTTONWOOD	29080
4367	RUBY MOUNTAINS	55180
4368	RED MOUNTAIN	31300
4369	WILHOITES	12860
4370	WARD MOUNTAIN	12850
4371	GRANT RANGE	101070
4372	JARBIDGE	95900
4373	LIME CREEK	12340
4374	ELK MOUNTAIN	14030
4375	FLAT CREEK	13750
4376	COPPER MOUNTAIN	34895
4377	RATTLESNAKE	23060
4378	ROBINSON CANYON	8700
4379	ROCKY GULCH	8860
4380	BRUNEAU RIVER	16130
4381	MAHOGANIES	11700
4382	MERRITT MOUNTAIN	43030
4383	HAPPY CAMP	18150
4384	LOG CREEK	20400
4385	SALMON CREEK	6680
4386	FAWN CREEK	7730
4387	WHITE ROCK	29181
4388	WILDHORSE	70841
4389	INDEPENDENCE MOUNTAINS	57780
4390	HAYSTACK	26136
4391	HIGHLAND RIDGE	76017
4836	MCCALL	7231
4837	GRANITE SPRINGS	5055
4838	LAMPSON	14260
4839	DUCKWATER	56982

INYO N.F.

AREA CODE	AREA NAME	GROSS ACRES
5058	WHITE MTNS	34500
5296	SUGARLOAF	11200
5989	EXCELSIOR	8400

LAKE TAHOE BASIN M.U.

AREA CODE	AREA NAME	GROSS ACRES

5983	LINCOLN CREEK	6600	6706	MT BIDWELL	4679

TOIYABE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4651	WELLINGTON HILLS	20480
4652	LOBDELL	26430
4653	WILEY	6480
4654	DESERT CREEK PEAK	12970
4655	BALD MTN	73990
4657	SWEETWATER	12260
4658	DEVILS GATE	40
4660	LONG	8680
4661	SUGARLOAF	8990
4663	BULLER	13270
4664	MT HICKS	14590
4665	LONG VALLEY	48610
4667	ARC DOME	100770
4866	HUNTER CREEK	5710
4867	CARSON RANGE	14670
4989	EXCELSIOR	116370

STATE: OR

DESCHUTES N.F.

AREA CODE	AREA NAME	GROSS ACRES
6103	MT WASHINGTON WSA	7300
6106	WALDO	9700
6107	CHARLTON	9280
6108	MAIDEN PEAK	29420
6109	COWHORN	22450
6111	ODELL	14150
6132	WINDIGO THIELSEN	22300
6191	METOLIUS BREAKS	10900
6192	SISTERS	36800
6193	BEARWALLOWS	8100
6194	BEND WATERSHED	16100
6195	WEST + SOUTH BACHELOR	32500
6196	NORTH PAULINA	23000
6197	SOUTH PAULINA	10400
6198	MT JEFFERSON	2600

FREMONT N.F.

AREA CODE	AREA NAME	GROSS ACRES
6221	ANTLER	5413
6222	HANAN TRAIL	8063
6223	BRATTAIN BUTTE	5880
6224	DEADHORSE RIM	13615
6225	GEARHART MOUNTAIN	4114
6226	COLEMAN RIM	8207
6227	DRAKE-MCDOWELL	6368
6228	BUCK-CREEK	10100
6705	CRANE MOUNTAIN	23396

MALHEUR N.F.

AREA CODE	AREA NAME	GROSS ACRES
6231	UTLEY BUTTE	12022
6232	MYRTLE-SILVIES	13246
6233	ALDRICH MTN	5026
6234	MALHEUR RIVER	5669
6235	SHAKETABLE	8024
6236	DRY CABIN	13269
6237	MCCLELLAN MTN	23458
6238	STRAWBERRY MTN	44810
6239	GLACIER MTN	21968
6240	MONOMENT ROCK	13720
6241	NORTH FORK MALHEUR RIVER	16655
6242	BALDY MTN	6728
6243	DIXIE MTN	17062
6244	NIPPLE BUTTE	12904
6245	FOX CREEK	7527
6246	FLAG CREEK	7933
6247	CEDAR GROVE	100
6251	JUMP-OFF JOE	3968
6252	GREENHORN MTN	13109

MT.HOOD N.F.

AREA CODE	AREA NAME	GROSS ACRES
6090	EAGLE	41200
6091	LAKE	9000
6092	BIG BEND	10200
6093	MT HOOD ADDITIONS	43791
6094	WIND CREEK	6088
6095	SALMON RIVER	8200
6096	TWIN LAKES	5385
6097	BADGER CREEK	27382
6098	BULL OF THE WOODS	43735
6099	OLALLIE	8673

OCHOCO N.F.

AREA CODE	AREA NAME	GROSS ACRES
6211	GREEN MOUNTAIN	6630
6212	MILL CREEK	15950
6213	BRIDGE CREEK	6325
6214	LOOKOUT MOUNTAIN	15260
6215	ROCK CREEK	9286
6218	SILVER CREEK	11670
6219	BROADWAY	8680
6220	CANYONS	24422

ROGUE RIVER N.F.

AREA CODE	AREA NAME	GROSS ACRES
6130	ROGUE UMPQUA DIVIDE	15774
6134	MAZAMA	3576
6136	SHERWOOD	7880
6141	SPHAGNUM BOG	8927

6142	THOUSAND SPRINGS	7351
6143	SKY LAKES	71904
6144	BITTER LICK	7729
6145	BROWN MOUNTAIN	6537
6146	MCDONALD PEAK	9757
6147	LITTLE GRAYBACK	10136
6148	KINNEY	10060
6703	KANGAROO	21341

SISKIYOU N.F.

AREA CODE	AREA NAME	GROSS ACRES
6171	COPPER MOUNTAIN	10884
6172	MALE CREEK	740
6173	ROGUE	6201
6174	POTATO MOUNTAIN	8115
6175	SHASTA COSTA	16312
6176	NORTH KALMIOPSIS	62926
6177	QUOSATANA	5524
6178	BRIGGS	5762
6179	SQUAW MOUNTAIN	8064
6180	WINDY VALLEY	13491
6181	FALL CREEK	11314
6182	SOUTH KALMIOPSIS	37628
6183	KALMIOPSIS ADDITIONS	1178
6184	MT EMILY	5947
6702	INDIAN CREEK	950
6703	KANGAROO	14192
6707	NORTH FORK SMITH	950
6708	PACKSADDLE	9315

SIUSLAW N.F.

AREA CODE	AREA NAME	GROSS ACRES
6151	HEBO 1A	16909
6152	HEBO 1B	6617
6153	HEBO 1C	8083
6154	WALDPORT-DRIFT CREEK	11260
6155	CUMMINS CREEK	9278
6156	ROCK CREEK	6651
6157	SMITH-UMPQUA	9930
6158	WOAHINK	5374
6159	TAHKENITCH	5958
6160	UMPQUA SPIT	3062
6161	TENMILE	11086

UMATILLA N.F.

AREA CODE	AREA NAME	GROSS ACRES
6251	JUMP-OFF JOE	12900
6252	GREENHORN MTN	30305
6253	NORTH FORK JOHN DAY	95894
6254	BATTLE CREEK	6200
6255	SOUTH FORK	7150
6256	TOWER	20150
6257	KELLY PRAIRIE	10000
6258	TEXAS BUTTE	16419
6259	OWSLEY	7740
6260	HORSEHSOE RIDGE	7100
6261	HELLHOLE	69502
6262	N. MT EMILY	5563
6263	NORTH FORK UMATILLA	24021
6264	LOOKINGGLASS	6000
6265	BIG SINK	5100
6266	WALLA WALLA RIVER	34520
6267	GRANDE RONDE	13140
6268	HELLS HALF ACRE	3405
6269	POTAMUS	5197
6270	SKOOKUM	11929
6277	MT EMILY	100
6561	BOLOGNA BASIN	5068
6562	JAUSSAUD CORRAL	7910
6601	SQUAW	4378

UMPQUA N.F.

AREA CODE	AREA NAME	GROSS ACRES
6105	HARDESTY MOUNTAIN	2555
6109	COWHORN	5082
6110	BULL DOG ROCK	7585
6121	FAIRVIEW	10623
6122	PUDDIN ROCK-CANTON-STEEL	31593
6124	BOULDER CREEK	21253
6125	LIMPY ROCK	6585
6126	CALF CR-COPELAND CR	26988
6127	DUMONT CREEK	8429
6128	LAST CREEK	10545
6129	QUARTZ CREEK	7068
6130	ROGUE UMPQUA DIVIDE	48368
6131	MT BAILEY	20333
6132	WINDIGO THIELSEN	55123
6133	DONEGAN	6139
6134	MAZAMA	5727
6135	PARK WINEMA	1279
6136	SHERWOOD	2597
6144	BITTER LICK	230

WALLOWA-WHITMAN N.F.

AREA CODE	AREA NAME	GROSS ACRES
6240	MONOMENT ROCK	12300
6252	GREENHORN MTN	200
6253	NORTH FORK JOHN DAY	1460
6256	TOWER	100
6259	OWSLEY	60
6261	HELLHOLE	200
6262	N. MT EMILY	660
6267	GRANDE RONDE	5300
6271	MARBLE POINT	7330
6273	TWIN MOUNTAIN	74890
6275	UPPER GRANDE RONDE	15290
6276	BEAVER CREEK	22976
6277	MT EMILY	10700

6278	CASTLE RIDGE	9065
6279	LOWER MINAM	34000
6280	LITTLE CREEK	2080
6281	UPPER CATHERINE CREEK	15420
6282	BOULDER PARK	13040
6283	LITTLE EAGLE MEADOWS	8080
6284	RESERVOIR	11360
6285	LICK CREEK	5880
6286	LITTLE SHEEP	6360
6287	PARK	640
6288	HURRICANE CREEK	6200
6289	HUCKLEBERRY	21800
6290	LAKE FORK	20555
6291	HOMESTEAD	6340
6292	MCGRAW CREEK	6190
6293	WESTSIDE RESERVOIR FACE	20300
6294	IMNAHA FACE	28920
6295	LORDS FLAT-SOMERS POINT	75800
6296	SNAKE RIVER	33595
6297	BUCKHORN	20230
6298	MOUNTAIN SHEEP	14700
6299	COOK RIDGE	20060
6300	WILDHORSE	20800
6601	SQUAW	5400

WILLAMETTE N.F.

AREA CODE	AREA NAME	GROSS ACRES
6098	BULL OF THE WOODS	12240
6101	MT JEFFERSON WSA	5139
6103	MT WASHINGTON WSA	643
6105	HARDESTY MOUNTAIN	3120
6106	WALDO	97176
6107	CHARLTON	2320
6108	MAIDEN PEAK	10080
6109	COWHORN	5500
6110	BULL DOG ROCK	320

WINEMA N.F.

AREA CODE	AREA NAME	GROSS ACRES
6132	WINDIGO THIELSEN	27782
6135	PARK WINEMA	4030
6143	SKY LAKES	54269
6145	BROWN MOUNTAIN	2600
6201	PANHANDLE NORTH	2560
6202	PANHANDLE SOUTH	1330
6203	NORTH BOUNDARY	762
6204	WEST BOUNDARY	2259
6205	ASPEN	1110
6206	CLOVER	374
6207	ODESSA	134
6208	MARSH	1195
6209	DEVILS GARDEN	536
6210	BADLANDS	560

STATE: OK

OUACHITA N.F.

AREA CODE	AREA NAME	GROSS ACRES
8005	UPPER KIAMICHI RIVER	10800
8084	BLACK FORK MOUNTAIN	5500
8085	RICH MOUNTAIN	5800
8086	BEECH CREEK	11400

STATE: PA

ALLEGHENY N.F.

AREA CODE	AREA NAME	GROSS ACRES
9019	ALLEGHENY FRONT	8696
9020	HICKORY CREEK	9427
9021	TRACY RIDGE	9188
9022	CLARION RIVER	4042
9023	VERBECK ISLAND	14
9024	CRULLS ISLAND	96
9025	THOMPSONS ISLAND	67
9026	R. THOMPSONS ISLAND	30
9027	COURSON ISLAND	62
9028	KING ISLAND	36
9029	BAKER ISLAND	67
9030	NO-NAME ISLAND	10
9031	CORNPLANTER	3012
9032	MINISTER VALLEY	1375
9033	HEARTS CONTENT	200

STATE: SC

FRANCIS MARION SUMTER*

AREA CODE	AREA NAME	GROSS ACRES
8012	WAMBAW SWAMP	5112
8013	LITTLE WAMBAW SWAMP	2491
8031	ELLICOTT ROCK EXTENSION	1900
8111	BEECHTREE	720
8112	ELLICOTT ROCK EXPANSION	5733
8113	LONG CREEK	1582
8114	LONG CANE	650
8115	WAMBAW SWAMP CDSA	1500

STATE: SD

BLACK HILLS N.F.

AREA CODE	AREA NAME	GROSS ACRES

2015	NORBECK	9400	8136	INDIAN MOUNDS	13467
2016	BEAVER PARK	5040	8137	STARK PROPERTY	3358

NEBRASKA N.F.

AREA CODE	AREA NAME	GROSS ACRES
2006	INDIAN CREEK	26270
2010	RED SHIRT	9520
2011	CHEYENNE RIVER	8800

STATE: TN

CHEROKEE N.F.

AREA CODE	AREA NAME	GROSS ACRES
8032	ROGERS RIDGE	6721
8033	BEAVERDAM CREEK	4900
8034	BALD RIVER GORGE	3887
8035	POND MOUNTAIN	4368
8036	JENNINGS CREEK	14700
8037	BIG FROG ADDITION A	547
8150	IRON MOUNTAIN	13700
8151	CITICO CREEK WSA	16500
8152	BIG FROG WSA	4626
8202	NOLICHUCKY	3300
8270	UPPER BALD RIVER	14900
8271	HICKORY FLAT BRANCH	4500
8272	BIG LAUREL BRANCH	6000
8273	POND MOUNTAIN ADDITION	2300
8274	LAUREL FORK	2200
8275	UNAKA MOUNTAIN	4700
8276	DEVIL'S BACKBONE	4100
8277	LITTLE FROG MOUNTAIN	4700
8279	BRUSHY RIDGE	4600

STATE: TX

NF IN TEXAS

AREA CODE	AREA NAME	GROSS ACRES
8017	WINTERS BAYOU	608
8018	BIG CREEK	6331
8019	BIG SLOUGH	4593
8020	CHAMBERS FERRY	4817
8021	GRAHAM CREEK	7766
8023	JORDAN CREEK	7579
8024	BOUNDS PENINSULA	1748
8130	TURKEY HILL	2919
8131	BOGGY CREEK	1868
8132	HARMON CREEK	2025
8133	FOUR NOTCH	6850
8134	BIG WOODS	1323
8135	ALABAMA CREEK	13117

STATE: UT

ASHLEY N.F.

AREA CODE	AREA NAME	GROSS ACRES
4001	LEIDY	188753
4002	SHALE CREEK	26460
4003	MINERS GULCH	18600
4004	SLATE CREEK	1280
4005	LIGHTENING RIDGE	5660
4006	HELL HOLE	21920
4007	CART HOLLOW	11140
4008	RED CANYON	5560
4009	MAHOGANY DRAW	7600
4010	BEARTOP	12160
4011	GOSLIN CREEK	12900
4012	SLAB CANYON	16490
4801	DEATH VALLEY CREEK	5750

CARIBOU N.F.

AREA CODE	AREA NAME	GROSS ACRES
4159	CLARKSTON MOUNTAIN	6880

DIXIE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4251	PINE VALLEY MOUNTAIN	111395
4252	CEDAR BENCH	7000
4253	ASHDOWN GORGE	8590
4254	RED CANYON NORTH	9100
4255	HORSE VALLEY CREEK	14700
4256	DEER CREEK	44285
4257	CASTO BLUFF - TABLE MTN	93440
4258	TABLE CLIFF-HENDERSON CY	19620
4259	THE BOX - DEATH HOLLOW	31600
4260	RED CANYON SOUTH	4555

FISHLAKE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4301	WAYNE WONDERLAND	14700
4302	THOUSAND LAKE MOUNTAIN	39300
4303	SOLOMON BASIN	16120
4304	JOHNS PEAK-MT ALICE	9700
4305	HILGARD MTN	32340
4306	MT MARVINE	6000
4307	FISHLAKE MTN	24920
4308	UM PLATEAU-MT TERRILL	14480
4309	SIGNAL PEAK	43020
4310	MARYSVALE PEAK	22300
4311	CIRCLEVILLE MTN	16520
4312	BULLION-DELANO	12600

4313	TUSHAR MTN	37820
4314	DOG VALLEY	24100
4315	PAVANT	77080
4316	FLAT CANYON	10800
4317	BEEHIVE PEAK	60840
4318	NORTH PAVANT	50180
4319	OAK CREEK	40900
4324	TIBADORE	10100
4325	LANGDON	14000
4831	MYTOGE	11720

MANTI LASAL N.F.

AREA CODE	AREA NAME	GROSS ACRES
4401	CEDAR KNOLL	24500
4402	COAL HOLLOW	6500
4403	DAIRY FORK	28940
4404	BENNION CREEK	12340
4405	PRICE RIVER	27400
4406	OAK CREEK	19700
4407	ROLFSON-STAKER	7280
4408	NUCK WOODWARD	13000
4409	EAST MOUNTAIN	31100
4410	GENTRY MOUNTAIN	6800
4411	BIDDLECOME-ROCK CANYON	17900
4412	BIG HORSESHOE	15950
4413	BOULGER-BLACK CANYON	21920
4414	WHITE KNOLL	13950
4415	STRAIGHT CANYON	6300
4417	BIG BEAR CREEK	31030
4419	BLACK MOUNTAIN	6580
4420	BIRCH CREEK	7900
4421	TWELVE MILE CREEK	10600
4423	MUDDY CREEK-NELSON MTN	62970
4424	WHITE MOUNTAIN	7900
4426	MUSINIA PEAK	4200
4427	WILDCAT KNOLLS	5800
4428	SANPITCH	30100
4429	LEVAN PEAK	22600
4432	HORSE MOUNTAIN-MANS PEAK	24920
4433	MT PEALE	10200
4434	ROC CREEK	2054
4435	SOUTH MOUNTAIN	14660
4436	DARK-WOODENSHOE CANYON	60000
4437	HAMMOND-NOTCH CANYON	20000
4438	ARCH CANYON	13000

SAWTOOTH N.F.

AREA CODE	AREA NAME	GROSS ACRES
4584	RAFT RIVER	24630
4585	CLEAR CREEK	13056

UINTA N.F.

AREA CODE	AREA NAME	GROSS ACRES
4701	NOBLETTS	6025
4702	LITTLE SOUTH FORK	19390
4703	WEST FORK	9875
4704	VAT CREEK	16500
4706	BOX SPRINGS	7560
4707	DANIELS CANYON	7440
4708	CHIPMAN CREEK	7680
4709	WILLOW CREEK	20000
4711	ROCK CANYON BUCKLEY MTN	4280
4712	PUMP RIDGE	26640
4713	TWO TOM HILL	16560
4714	RED MOUNTAIN	9120
4715	STRAWBERRY RIDGE	17700
4716	DIAMOND FORK	32880
4717	TIE FORK	24835
4718	WHITE RIVER	13560
4719	SOLDIER SUMMIT	6840
4720	SANTAQUIN	12880
4721	HOP CREEK RIDGE	6480
4722	VERNON	18200
4724	SOUTH FORK PROVO	24000
4725	MAPLETON	37770
4726	BIRDSEYE	13220
4727	PAYSON	10830
4728	GOLDEN RIDGE	32180
4729	NEPHI	24000
4731	RED PINE MOUNTAIN	6800
4734	WHITE LEDGE	6050
4737	WALLSBURG	6720

WASATCH N.F.

AREA CODE	AREA NAME	GROSS ACRES
4001	LEIDY	145056
4002	SHALE CREEK	9920
4180	SWAN CREEK MTN	10500
4181	GIBSON	2900
4701	NOBLETTS	1560
4730	LONE PEAK	4233
4751	LAKES	111440
4752	DROMEDARY	20160
4753	OLYMPUS	25600
4754	MT AIRE	9960
4755	FARMINGTON	12040
4756	FRANCIS	17080
4757	STANSBURY	55160
4758	MOUNT NAOMI	49120
4759	MT LOGAN	42240
4760	WELLSVILLE MTN	23780
4761	MOLLENS HOLLOW	16900
4762	WILLARD	17480
4763	LEWIS PEAK	11500
4764	UPPER SOUTH FORK	12900
4765	BURCH CREEK	8340
4766	WIDDOP MTN	7840
4767	WEST FORK BLACKS FORK	8560

STATE: VA

GEORGE WASHINGTON N.F.

AREA CODE	AREA NAME	GROSS ACRES
8040	ROUGH MOUNTAIN	9300
8041	RICH HOLE	5030
8042	KST MARY'S	10695
8043	CRAWFORD MOUNTAIN	15360
8044	RAMSEYS DRAFT STUDY AREA	6700
8045	LAUREL FORK	10965
8046	LITTLE RIVER	10816
8047	BIG SCHLOSS	20817
8171	DOLLY ANNE	7900
8172	ELLIOTT KNOB	13060
8173	HEAD OF DRY RIVER	1300
8174	RAMSEYS DRAFT ADDN	13475
8183	BARBOURS CREEK	3400
8184	HOOP HOLE	520

JEFFERSON N.F.

AREA CODE	AREA NAME	GROSS ACRES
8048	BEAR TOWN	10542
8049	LITTLE DRY RON	2998
8050	LEWIS FORK	5771
8051	ROARING BRANCH	3160
8052	LITTLE STONEY	1050
8053	LITTLE WILSON CREEK	3568
8180	DEVILS FORK	5887
8181	BIG STONEY	4115
8182	KIMBERLING CREEK	5726
8183	BARBOURS CREEK	17739
8184	HOOP HOLE	4885
8185	THUNDER RIDGE	2530
8186	MILL CREEK WSA	4000
8187	MOUNTAIN LAKE WSA	11827
8188	PETERS MOUNTAIN WSA	4183

STATE: VT

GREEN MOUNTAIN N.F.

AREA CODE	AREA NAME	GROSS ACRES
9081	BREADLOAF	19850
9082	WILDER MTN	8590
9083	DEVILS DEN	8830
9084	GRIFFITH LAKE	9670
9085	LYE BROOK ADDITION	2660
9086	WOODFORD	6120

STATE: WA

COLVILLE N.F.

AREA CODE	AREA NAME	GROSS ACRES
6001	JACKSON CREEK	3550
6002	BODIE MOUNTAIN	2710
6003	CLACKAMAS MOUNTAIN	525
6004	PROFANITY	31440
6005	TWIN SISTERS	26350
6006	HOODOO	7210
6007	BALD SNOW	23850
6008	THIRTEEN MILE	12700
6009	SOUTH HUCKLEBERRY	10540
6010	BANGS	3940
6011	ABERCROMBIE HOOKNOSE	36625
6012	HARVEY CREEK	15070
6013	DRY CANYON BREAKS	5080
6014	COUGAR MOUNTAIN	5225
6981	SALMO PRIEST	49380
6982	GRASSY TOP	11510

GIFFORD PINCHOT N.F.

AREA CODE	AREA NAME	GROSS ACRES
6032	COUGAR LAKES	23510
6036	GOAT ROCKS	15850
6061	GLACIER VIEW	3930
6062	SAWTOOTH	5300
6063	TATOOSH	17100
6064	DIXON MTN	5850
6065	DAVIS MTN	7710
6066	POMPEY	24140
6067	BLUE LAKE	10780
6068	AMOEBA	67600
6069	MT ADAMS	28120
6070	STRAWBERRY	7230
6071	MT MARGARET	48570
6072	ST HELENS	29950
6076	INDIAN HEAVEN	27590
6077	BIG LAVA BED	19800
6078	BEAR CREEK	10550
6079	SILVER STAR	7700
6080	KIPUKA	5480
6361	HORSESHOE	7640
6501	AMOEBA	560
6502	AMOEBA	12480

IDAHO PANHANDLE N.F.

AREA CODE	AREA NAME	GROSS ACRES
1121	LITTLE GRASS MTN	3180
1124	SOUTH FORK MTN	6530
1981	SALMO PRIEST	20530
1982	GRASSY TOP	12960

MT.BAKER/SNOQUALMIE N*

AREA CODE	AREA NAME	GROSS ACRES
6031	GLACIER PK	281700
6034	NORSE PK.	28200
6041	MT BAKER	275000
6043	OAKES PEAK	1200
6044	ALMA COPPER	8300
6045	HIDDEN LAKE	7000
6048	PRESSENTIN	16000
6049	HIGGINS MTN	13000
6050	BOULDER RIVER	83800
6051	WHITE CHUCK	6000
6054	EAGLE ROCK	34100
6055	CLEARWATER	26400
6056	TOLMIE CREEK	650
6057	LONESOME LAKE	1850
6058	SUN TOP	5200
6059	SILVER CREEK	1000
6060	PRAIRIE MTN	5500

OKANOGAN N.F.

AREA CODE	AREA NAME	GROSS ACRES
6001	JACKSON CREEK	9600
6002	BODIE MOUNTAIN	3680
6003	CLACKAMAS MOUNTAIN	14600
6021	MT. BONAPARTE	13400
6022	DUGOUT	6700
6023	LONG DRAW	2800
6024	LONG SWAMP	10200

OLYMPIC N.F.

AREA CODE	AREA NAME	GROSS ACRES
6081	QUILCENE	68398
6082	MT ZION	5419
6083	GREEN MOUNTAIN	5379
6084	THE BROTHERS	27629
6085	MILDRED LAKES	26071
6086	WONDER MOUNTAIN	9468
6087	COLONEL BOB	12120
6088	MCDONALD	530

WENATCHEE N.F.

AREA CODE	AREA NAME	GROSS ACRES
6031	GLACIER PK	141275
6032	COUGAR LAKES	175820
6033	QUARTZ MOUNTAIN	17400
6034	NORSE PK.	51240
6035	BLUE SLIDE	17000
6036	GOAT ROCKS	19600
6037	BETHEL	6100
6038	LION ROCK	11000
6039	NANEUM	8700

STATE: WI

CHEQUAMEGON N.F.

AREA CODE	AREA NAME	GROSS ACRES
9011	FLYNN LAKE STUDY AREA	6321
9012	ROUND LAKE STUDY AREA	4200
9153	PORCUPINE LAKE	4460
9154	ST PETERS DOME	4415
9157	CHASE CREEK	6750
9159	THORNAPPLE	10320
9161	GATES LAKE	5590
9162	MOOSE	6620
9164	TEA LAKE	5935
9165	CAMPFIRE ISLAND	2
9166	EAST TORCH	5085

NICOLET N.F.

AREA CODE	AREA NAME	GROSS ACRES
9175	BLACKJACK SPRINGS	6145
9176	WHISKER LAKES	7765
9177	LE ROY CREEK	9290
9178	KIMBALL CREEK	7940
9179	HEADWATERS OF THE PINE	11290
9180	PERCH LAKE	2480
9181	FOURSECTION	2590
9182	PENTOGA ROAD	5400
9183	SHOE LAKE ISLANDS	6
9184	WHEELER LAKE ISLANDS	2
9185	SAWYER LAKE ISLAND	1
9186	SHELP LAKE	3890

STATE: WV

GEORGE WASHINGTON N.F.

AREA CODE	AREA NAME	GROSS ACRES
8047	BIG SCHLOSS	19807
8170	DRY RIVER	16660

MONONGAHELA N.F.

AREA CODE	AREA NAME	GROSS ACRES
9010	CRANBERRY	36300
9040	CHEAT MOUNTAIN	7720
9041	SENECA CREEK	20780
9042	NORTH MOUNTAIN HOPEVILLE	7040
9043	CANAAN LOOP	7240
9044	LAUREL FORK NORTH	6120
9045	LAUREL FORK SOUTH	5920
9046	LAUREL FORK VANCE RUN	840
9047	GAULEY MOUNTAIN	13320
9048	TEA CREEK MOUNTAIN	10120
9049	FALLS OF HILLS CREEK	7640

9050	MIDDLE MOUNTAIN	19240
9051	LITTLE ALLEGHENY MT.	11200
9052	LITTLE MOUNTAIN	8440
9326	EAST FORK OF GREENBRIER	6810
9327	DOLLY SODS ROARING PLAIN	14270
9328	TURKEY MOUNTAIN	6480
9329	SPICE RUN	6320
9330	MARLIN MOUNTAIN	8640
9331	CRANBERRY ADDITION	9840

STATE: WY

BIGHORN N.F.

AREA CODE	AREA NAME	GROSS ACRES
2020	LITTLE BIGHORN	134760
2021	DEVIL'S CANYON	34600
2023	WALKER PRAIRIE	62980
2024	SIBLEY LAKE	12290
2025	HIDEOUT CREEK	10750
2026	BEAR ROCKS	25090
2027	HORSE CREEK MESA	79620
2028	BRUCE MOUNTAIN	5630
2029	PINEY CREEK	23550
2030	LITTLE GOOSE	37760
2031	CLOUD PEAK CONTIGUOUS	151410
2032	ROCK CREEK	51200
2033	GROMMUND CREEK	12800
2034	SEVEN BROTHERS	5370
2036	HAZELTON PEAKS	10500
2037	LEIGH CREEK	25600
2038	DOYLE CREEK	6910

BLACK HILLS N.F.

AREA CODE	AREA NAME	GROSS ACRES
2018	INYAN KARA	1280
2352	SAND CREEK	12400

BRIDGER-TETON N.F.

AREA CODE	AREA NAME	GROSS ACRES
4101	CORRIDOR	28156
4102	GROS VENTRE	435320
4103	MUNGER MOUNTAIN	12900
4104	MONUMENT RIDGE	17380
4105	JENNY CREEK	11110
4106	GRAYBACK	271530
4107	SALT RIVER RANGE	259270
4108	DEADMAN	6400
4109	NORTH FORK SHEEP CREEK	20560
4110	SOUTHERN WYOMING RANGE	90800
4111	GANNETT SPRING CREEK	46400
4112	COMMISSARY RIDGE	179920
4113	NUGENT PARK WEST	7640
4114	HAMS FORK RIDGE	13950
4115	BACON RIDGE	5290
4116	GYPSUM CREEK	17300
4610	WEST SLOPE TETONS	9900
4613	PALISADES	44460
4901	GREEN-SWEETWATER	188040
4902	SEVEN LAKES	65010
4903	TOGWOTEE	26370

MEDICINE BOW N.F.

AREA CODE	AREA NAME	GROSS ACRES
2067	DEER CREEK	13840
2068	BUFFALO PEAK	17040
2069	LABONTE CANYON	23350
2070	LARAMIE PEAK	28880
2071	EAGLE PEAK	13740
2072	ROCK CREEK	19860
2073	PENNOCK MOUNTAIN	16710
2074	SNOWY RANGE	35090
2075	LIBBY FLATS	16440
2076	EAGLE ROCK	6740
2077	TWIN MOUNTAIN	7600
2078	CROW CREEK	8640
2079	SHEEP MOUNTAIN	18160
2080	PLATTE RIVER MG-1	36380
2082	SAVAGE RUN	1730
2083	SAVAGE RUN	810
2084	BEAR MOUNTAIN	13430
2085	COON CREEK	12130
2086	ENCAMPMENT RIVER	13840
2087	HUSTON PARK	68040
2088	BRIDGER PEAK	7480
2089	MOWRY PEAK	12800
2091	JACK CREEK	24660
2092	SINGER PEAK	13200
2093	BIG SANDSTONE CREEK	6720
2094	LITTLE SANDSTONE CREEK	5650
2095	BATTLE CREEK	8960

SHOSHONE N.F.

AREA CODE	AREA NAME	GROSS ACRES
2039	WINDY MOUNTAIN	31920
2040	PAT O'HARA	10320
2041	SULPHUR CREEK	32120
2042	HEADWATERS SUNLIGHT CR.	3980
2043	HEADWATERS SUNLIGHT CR.	2500
2044	TROUT CREEK	35100
2045	WAPITI VALLEY NORTH	19480
2046	WAPITI VALLEY EAST	480
2047	SLEEPING GIANT	5880
2048	WAPITI VALLEY SOUTH	42560
2049	SOUTH FORK	89260
2050	PINEY PASS	3000
2051	FRANC'S PEAK	66140

2052	WOOD RIVER	51120
2053	CASTLE ROCK	4280
2054	TELEPHONE DRAW	19160
2055	CARSON LAKE	4040
2056	EAST DUNOIR	7040
2057	SOUTH DUNOIR	7300
2058	DUNOIR	14200
2059	WEST DUNOIR	5860
2060	SHERIDAN PASS	8520
2061	BENCH MARK	6280
2062	NE POPO AGIE	5420
2063	SE POPO AGIE	5080
2064	LITTLE POPO AGIE	7280
2065	CANYON CREEK	7400
2066	PASS CREEK	5960
2901	MIDDLE FORK	85440
2902	WARM SPRING CREEK	5720
2903	TOGWOTEE PASS	6500
2911	SOUTH BEARTOOTH HIGHWAY	111680
2912	BEARTOOTH	43300
2913	NORTH BOUNDARY	280
2914	REEF	16760

TARGHEE N.F.

AREA CODE	AREA NAME	GROSS ACRES
4610	WEST SLOPE TETONS	167115
4613	PALISADES	91380

PUERTO RICO

CARRIBEAN N.F.

AREA CODE	AREA NAME	GROSS ACRES
8007	EL CACIQUE	9730

The following listed areas were not included on the inventory listing, because they had been allocated to nonwilderness uses by a completed land management plan. These areas will, however, have implementation of developmental activities delayed so that they may have their wilderness attributes considered again. This consideration will take place concurrently with evaluation of the inventoried areas listed above.

States	Area Number	Area Name	National Forest	Acres
Arkansas	JAG	Bushheap	Ouachita	5,200
Colorado	357	Straight Cr.	Arahapo-Roosevelt	8,460
Colorado	ACG	St. Louis Peak	Arahapo-Roosevelt	5,690
Colorado	XXX	Cook Creek	Arapaho-Roosevelt	7,270
Florida	EAR	Juniper Prairie	Florida	13,540
Idaho	BAA	Steel Mt.	Boise	63,667
Kentucky	039	Clifty	Daniel Boone	17,265
Montana	BAA	Bitterroot	Bitterroot	81,200
Montana	BAD	Stony Mt	Bitterroot	50,400
Montana	YAG	Allan Mt.	Bitterroot	113,900
Montana	FAA	Swan River Island	Flathead	550
N. Carolina	LAM	Upper Wilson	N. Carolina	6,590
N. Carolina	LAN	Lost Cove	N. Carolina	5,708
N. Carolina	LAO	Harper Cr.	N. Carolina	7,193
N. Carolina	LAU	Fishhawk Mtn.	N. Carolina	2,436
N. Carolina	025	So. Nantahala	N. Carolina	43,546
N. Carolina	058	Linville Grg Ex.	N. Carolina	6,428
N. Dakota	DBD	Magpie	Little Mo. NG	36,240
N. Dakota	DAY	Bonnett-Cottonwood	Little Mo. NG	18,400
N. Dakota	DAX	Lone Butter	Little Mo. NG	13,080
N. Dakota	DAP	Horse Cr.	Little Mo. NG	15,020
N. Dakota	DAO	Cheney Cr.	Little Mo. NG	8,180
N. Dakota	DAK	Bell Lake	Little Mo. NG	11,980
N. Dakota	DBD	Ash Coulee	Little Mo. NG	34,620
N. Dakota	DAU	Twin Buttes	Little Mo. NG	11,880
N. Dakota	DBE	Wanagan	Little Mo. NG	7,480
N. Dakota	DBI	Kinley Plateau	Little Mo. NG	21,120
N. Dakota	DBJ	Bullien Butte	Little Mo. NG	19,130
N. Dakota	DBG	Magpie I	Little Mo. NG	18,440
S. Carolina	MAG	Persimmon Mt.	S. Carolina	7,386
Tennessee	-	Beaver Dam	Cherokee	2,000
Texas	016	Little Lake Creek	Texas	2,7000
Utah	AAN	Dry Fork Add.	Ashley	17,000
Washington	089	Pine Mountain	Olympic	230
		TOTAL		690,259

[FR Doc.77-33205 Filed 11-17-77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART IX

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW WAGE DETERMINATION DECISIONS

North Carolina	NC77-1145

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Delaware:	
DE77-3134	Sept. 30, 1977.
Florida:	
FL77-1005	May 13, 1977.
FL77-1044	Mar. 1, 1977.
Georgia:	
GA76-1123	Oct. 22, 1976.
Massachusetts:	
MA77-3062; MA77-3067; MA77-3070; MA77-3071.	July 22, 1977.
MA77-3063	Aug. 12, 1977.
MA77-3072	Aug. 19, 1977.
MA77-3065; MA77-3066; MA77-3068.	Sept. 2, 1977.
MA77-3064; MA77-3073	Sept. 16, 1977.
MA77-3069	Oct. 7, 1977.
Montana:	
MT77-5074	July 8, 1977.
New Mexico:	
NM77-4103	May 20, 1977.
NM77-4218	Sept. 9, 1977.
North Carolina:	
NC76-1019	Jan. 30, 1976.
Oklahoma:	
OK77-4163; OK77-4273; OK77-4275; OK77-4278; OK77-4283; OK77-4284.	Sept. 30, 1977.
Pennsylvania:	
PA77-3023	Jan. 28, 1977.
PA77-3043	Apr. 8, 1977.
PA77-3050; PA77-3056	May 13, 1977.
PA77-3059; PA77-3060	May 20, 1977.
PA77-3061	June 10, 1977.
PA77-3128	Sept. 16, 1977.
Virginia:	
MD77-3109	Do.
Washington, D.C.:	
DC77-3108	Do.
West Virginia:	
WV77-3101	July 22, 1977.

Signed at Washington, D.C., this 11th day of November 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: North Carolina COUNTIES: *See below
DECISION NUMBER: NC77-1145 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

*Counties: Bladen, Columbus, Richmond, Robeson, and Scotland Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	3.89				
Bricklayers	5.00				
Carpenters	3.87				
Cement masons	3.94				
Drywall hanger/finisher	4.00				
Electricians	4.00				
Glaziers	3.62				
Ironworkers; structural/ ornamental	6.00				
Insulation installer	2.75				
Laborers:					
Laborers	2.50				
Pipelayers	3.00				
Asphalt raker	2.68				
Painters, brush	3.40				
Plumbers & fitters	4.67				
Roofers	4.00				
Sheet metal workers	4.55				
Soft floor layers	5.00				
Tile setters	3.75				
Truck drivers	2.68				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozer	4.00				
Loader	3.00				
Motor grader	3.87				
Roller	3.05				
Tractor	2.50				

MODIFICATIONS P. 1

DECISION #DE77-3134 - Mod. #2 (42 FR 52990 - September 30, 1977 State of Delaware	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers - Building COnstruction:					
Kent & Sussex Counties:					
Group 1	$ 8.10	.90	.50		
Group 2	8.35	.90	.50		
Group 3	8.60	.90	.50		
Group 4	8.70	.90	.50		
Group 5	9.35	.90	.50		

LABORERS - BUILDING CONSTRUCTION

Group 1 - General laborers, dumpmen & truck spotters

Group 2 - Caulkers; operators of pneumatic and electric tools; vibrating machines; concrete saws and pumps (which shall include the hook-up of hose and/or pipe); sandblaster; pot tenders; and sewer pipe, clay, terri-cotta, concrete and non-mentallic pipe layers, demolition (where walls are required to be ridden down by hand tools); driller (except core, diamond, or multiple wagon); gunite material and rebound workers; mason and plasterer tenders, and cement workers; mobile buggy operators; operators of power saws (portable); power and sewing machines; scaffold builders; shoring, lagging and cribbing, including bolting and bracing; signal, hookup and grading on all work; stripping of flat arch and form work, the cleaning and oiling thereof; and the handling, moving and carrying to the next point of erection by any method; tool room attendant water pumps and generators

Group 3 - Burners and welders; caisson workers, top men (when excavations for caissons are dug eight feet or more below the natural grade level adjacent to the starting point of the caisson hole, the rate shall apply at the ground level); driller (core, diamond or multiple wagon); Gunite industrial fume stack, nozzle and rod workers; sandblaster (nozzleman); tunnelling; underpinning excavation (when an underpinning excavation is dug eight feet or more below the natural grade, or when an excavation for a pier hole of five feet square or less and eight feet or more deep is dug, the rate shall apply only when a depth of eight feet is reached); working under compressed air

Group 4 - Caisson workers (bottom men)

Group 5 - Blasters, laborers engaged in the placing, installation and cleaning of well point systems or deep well systems as long as needed on the job for such work

MODIFICATIONS P. 2

DECISION #DE77-3134 - Mod. #2 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers - Heavy & Highway Construction:					
Kent & Sussex Counties:					
Group 1	$ 6.15	.90	.50		
Group 2	6.30	.90	.50		
Group 3	6.45	.90	.50		

LABORERS - HEAVY & HIGHWAY CONSTRUCTION

Group 1 - General laborers, asphalt tampers, asphalt rakers, concrete pitman, landscaper, planter, puddler, railroad trackman, rubber magazine tender, seeder and arboriate, & signalmen

Group 2 - Pipelayers

Group 3 - Blasters, caissons and cofferdams (open air below 8 feet where excavations for circular caissons and cofferdams are 8 feet or more below level of nature grade adjacent to starting point), diamond point drills, form setters, gunite nozzle operators & wagon drills

Marble Setters	9.83	.95	.85		
Terrazzo Workers & Tile Setters	9.83	.95	.85		
Decision # FL77-1005 - Mod. # 5 (42 FR-24575 - May 13, 1977) Brevard & Volusia Counties (Cape Kennedy, Kennedy Space Flight Center, Patrick Air Force Base, & Melabar Radar Site only), Florida.					
Change:					
Plumbers; Pipefitters; Steamfitters:					
Commercial	9.40	.49	.51	.60	.05
Industrial	11.19	.62	.59	.60	.05
Decision # FL77-1044 - Mod #5 (42 FR-17764 - March 1, 1977) Volusia County (except Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Station), Florida.					
Change:					
Plumbers; Pipefitters; Steamfitters:					
Commercial	9.40	.49	.51	.60	.05
Industrial	11.19	.62	.59	.60	.05

MODIFICATIONS P. 3

DECISION #GA76-1123 - Mod. #1 (41 FR 46804 - October 22, 1976) Houston County, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians	$ 9.00	.50	3%		½ of 1%
Plumbers & Pipefitters	9.60	.42	.63		.05
DECISION #MA77-3062 - Mod. #3 (42 FR 37718 - July 22, 1977) Barnstable County, Massachusetts					
Change:					
Bricklayers; Cement Masons; Cement Finishers; Plasterers; Stonemasons	$10.75	.80	.80		.06
Carpenters and Soft Floor Layers:					
All work over $1½ million including residential	9.90	.60	1.00		.04
Work from $1 million - 1½ million	9.13	.60	1.00		.04
Work from $500,000 - 1 million	8.655	.60	1.00		.04
Work from $200,000	7.72	.60	1.00		.04
Residential up to 4 stories & commercial up to $200,000	7.24	.60	1.00		.04
Elevator Constructors	11.50	.745	.56	b+c	.025
Elevator Constructors' Helpers	70%JR	.745	.56	b+c	.025
Laborers (Building):					
Laborers; carpenter tenders; wrecking laborers	7.75	.60	.70		.10
Jackhammer op., pavement breakers; asphalt rakers; carbide core drilling machine, chain saw op.; pipelayer; Barco type jumping tampers; laser beam; concrete pump; mason tenders; mortar tar mixers; ride-on motorized buggy, fence & beam rail erectors & plasterer's tenders	8.00	.60	.70		.10
Air track; block pavers, tampers curb setters	8.25	.60	.70		.10
Blasters; powdermen	8.50	.60	.70		.10
Open air caisson; cylindrical work & boring crew					
Laborer; Top man	7.75	.60	.70		.10
Helper	7.87	.60	.70		.10
Bottom man	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10

DECISION #MA77-3062 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Millwrights	$10.35	.60	1.00		.07
Painters:					
Brush, roller, tapers, steel on ground	8.75	.70	.65		
Sandblasting, chipping hammer, power brush	10.25	.70	.65		
Structural steel	12.00	.70	.65		
Spray	10.00	.70	.65		
Paperhangers and vinyl installers	9.25	.70	.65		
Plumbers & Steamfitters:					
Remainder of County	10.35	.76	1.16		.20
~~Add:~~					
Painters:					
Sign painting	8.80	.84	.35	.32	.04

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

POWER EQUIPMENT OPERATORS, BUILDING, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

POWER EQUIPMENT OPERATORS, MARINE CONSTRUCTION SEE MODIFICATION PAGE NO. 23

DECISION NO. MA-77-3063 - Mod. #3 (42 FR 41077 - August 12, 1977) Berkshire County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, Cement Masons, Marble Masons, Plasterers, Stone Masons, Terrazzo Workers & Tile Setters:					
Twps. of Adams, N. Adams, Cheshire, Florida, Savoy, Clarksburg & Williamstown	11.30				
Twps. of Becket, Otis and Sandisfield	10.05	.55	.80		.06
Remainder of County	11.28	.65	.30		
Carpenters & Soft Floor Layers	9.29	.55	1.00		.04
Elevator Constructors	10.45	.745	.29	a+b	.02
Laborers (Building)					
Laborers, carpenter tenders & wrecking laborers	7.75	.60	.70		.10
Jackhammer op., pavement breakers, wagon drills, asphalt rakers, carbide core drilling machine, chain saw ops., pipelayers, barco type jumping tampers, laser beam ops., concrete pump ops., mason tenders, mortar mixers, ride-on motorized buggy and plasterers tenders	8.00	.60	.70		.10
Air track; block pavers; rammers curb setters	8.25	.60	.70		.10
Blasterers, powdermen	8.50	.60	.70		.10
Millwrights	10.35	.60	1.00		.07
Plumbers and Steamfitters:					
Adams, Clarkburg, Florida, N. Adams, Savor, Williamstown, & northern half of Cheshire, New Ashford	9.97	.90	.75		.02
Becket, Otis, Sandisfield (plumbers only)	10.20	.96	1.00	e	.10
Becket, Otis, Sandisfield & New Boston (Steamfitters)	10.68	.57	1.45	.08	.02
Roofers:					
Composition, damp & waterproof	9.185	.85	1.51		
Slate, tile and precast concrete	9.84	.85	1.51		
Sheet Metal Workers	9.76	.95	1.26		.03
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION:					
Class I	7.75	.60	.70		.10
Class II	8.00	.60	.70		.10
Class III	8.25	.60	.70		.10
Class IV	8.50	.60	.70		.10

MODIFICATIONS P. 6

DECISION #MA77-3064 - Mod. 3 (42 FR 46877 - September 16, 1977) Bristol County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS, CEMENT MASONS, PLASTERERS & STONEMASONS:					
Easton, N. Easton & S. Easton	$10.35	.85	1.15		.06
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Darmouth, Somerset Swansea, S. Dartmouth & Westport	10.75	.80	.80		.06
Remainder of County	10.45	1.10	.80		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Remainder of County:					
All work over $1½ million including residential	9.90	.60	1.00		.04
Work from $1 million - 1½ million	9.13	.60	1.00		.04
Work from $5,000 - 1 million	8.655	.60	1.00		.04
Work from $2,000 - 500,000	7.71	.60	1.00		.04
Residential up to 4 stories & commercial up to $200,000	7.24	.60	1.00		.04
ELEVATOR CONSTRUCTORS	11.50	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS	70 %JR	.745	.56	b+c	.025
IRONWORKERS:					
Easton, Mansfield, N. Easton	10.59	1.00	1.50		.06
LABORERS (BUILDING):					
Laborers; carpenter tenders; wrecking laborers	7.75	.60	.70		.10
Jackhammer op.; pavement breakers; asphalt rakers; carbide core drilling machine; Cahin saw op.; pipelayer; barco type jumping tampers; laser beam; concrete pump; mason tenders; mortar mixers; ride-on motorized buggy, fence and beam rail erectors and plasterers' tenders	8.00	.60	.70		.10
Air track; block pavers; rammers; curb setters	8.25	.60	.70		.10
Blasters; powdermen	8.50	.60	.70		.10
Open air caisson; cylindrical work & boring crew:					

MODIFICATIONS P. 7

DECISION #MA77-3064 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LABORERS (BUILDING):					
Laborers; Top man	7.75	.60	.70		.10
Helper	7.87	.60	.70		.10
Bottom men	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10
MILLWRIGHTS	10.35	.60	1.00		.07
PAINTERS:					
Remainder of County:					
Brush, taper	10.06	.82	1.15		.04
Steel (new & repaint steel)	12.18	.82	1.15		.04
Spray, sandblasting	11.06	.82	1.15		.04
All other repaint & alteration	8.61	.82	1.15		.04
PLUMBERS & STEAMFITTERS:					
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, S. Dartmouth, Swansea & Westport	10.35	.76	1.16		.20
ROOFERS:					
Attleboro, Taunton, Mansfield, Easton, Norton, Raynham & N. Attleboro:					
Journeyman	10.20	.70	1.55		.05
Re-roofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, BUILDING, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, MARINE CONSTRUCTION SEE MODIFICATION PAGE NO. 23

DECISION NO. MA77-3065 - Mod. # 2
(42 FR 44434-September 2, 1977
Essex County, Massachusetts

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers & Stone Masons:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant N. Andover, Peabody, Salem, Saugus, Swampscott and Topsfield	$10.40	.70	$1.25		.06
Remainder of County	10.75	1.00	.60		.06
Carpenters & Soft Floor Layers:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury, W. Newbury, Lynn, Lynnfield, Nahant, Saugus and Swampscott, Andover, Lawrence, Methuen, N. Andover and W. Andover	10.40	.60	1.00		.07
Remainder of County	9.50	1.00	1.00		
Elevator Constructors	11.50	.745	.56	4%+a+b	.025
Elevator Constructors' Helpers	70%JR	.745	.56	4%+a+b	.025
Ironworkers	10.59	1.00	1.50		.06
Laborers: (Building)					
Laborers, carpenter tenders, wrecking laborers	7.75	.60	.70		.10
Jackhammer ops.; Pavement breakers; Asphalt rakers; Carbide core drilling machines; Chain saw ops.; Pipelayers, Barco type jumping tampers, laser beam ops., concrete ops., mason tenders, mortar mixers, ride-on rail erectors and plasterers tenders	8.00	.60	.70		.10
Air track, block pavers, rammers curb setters	8.25	.60	.70		.10
Blaster, powdermen	8.50	.60	.70		.10

DECISION NO. MA77-3065 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Open air caisson, cylindrical work and borin gcrew:					
Laborers, top man	$7.75	.60	.70		.10
Helper	7.87	.60	.70		.10
Bottom Man	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10
Millwrights	10.45	.60	1.00		.07
Painters:					
Remainder ofCounty:					
New Construction:					
Brush and Tapers	10.06	.82	1.15		.04
Sandblasters and spray	11.06	.82	1.15		.04
Steel (new & repaint-steel)	12.18	.82	1.15		.04
Repaint & alterations (all others)	8.61	.82	1.15		.04
Plumbers and Steamfitters:					
Lynn, Lynnfield, Nahant, Saugus, and Swampscott:					
Steamfitters	12.06	.94	1.20		.07
Roofers:					
Haverhill and Lawrence	7.30				
Remainder of County:	10.20	.70	1.55		.05
Re-roofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
Sheet Metal Workers	10.885	1.16	1.10		.05

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, BUILDING, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

MODIFICATIONS P. 10

DECISION #MA77-3066 - Mod. #4 (42 FR 44440 - September 2, 1977) Franklin County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, MARBLE TILE, TERRAZZO WORKERS, CAULKER AND CLEANER POINTER	$10.05	.55	.80		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Monroe & Monroe Bridge	9.29	.55	1.00		.04
Remainder of County	9.55	.45	1.00		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	3%+a	.02
LABORERS: Building					
Laborers, carpenter tenders, wrecking laborers	7.75	.60	.70		.10
Asphalt rakers, carbide, core drillers, chain saw op., pipe layers jackhammer & paving breaker ops., barco-type jumping tampers, laser beam ops., concrete pump ops., mason tenders, mortar mixers, & ride-on motorized buggy op. and plasterers tenders	8.00	.60	.70		.10
Air track ops., block pavers rammers & curb setters	8.25	.60	.70		.10
Powdermen and blasters	8.50	.60	.70		.10
Open air caisson, underpinning work and test boring crew:					
Bottom man	8.50	.60	.70		.10
Top man	7.75	.60	.70		.10
Driller	8.62	.60	.70		.10
Helper	7.87	.60	.70		.10
MILLWRIGHTS	10.45	.60	1.00		.07
PLUMBERS & STEAMFITTERS:					
Monroe, Towe and Western part of Charlemont	9.97	.90	.75		.02
Remainder of County	10.45	.85	.85		.02
ROOFERS:					
Composition, damp waterproof	9.185	.85	1.51		
Slate, tile, precast concrete	9.84	.85	1.51		
SHEET METAL WORKERS	9.76	.95	1.26		.03
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
CLASS I	$ 7.75	.60	.70		.10
CLASS II	8.00	.60	.70		.10
CLASS III	8.25	.60	.70		.10
CLASS IV	8.50	.60	.70		.10

MODIFICATIONS P. 11

DECISION #MA77-3067 - Mod. #3 (42 FR 37723 - July 22, 1977) Hampden County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS: Cement masons, Marble masons, Plasterers, Stone masons, Terrazzo workers and Tile setters	$10.05	.55	.80		.06
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
IRONWORKERS: Ornamental, Reinforcing and Structural	10.20	.75	1.75		.09
LABORERS (Building)					
Laborers, wrecking, laborers and carpenter tenders	7.75	.60	.70		.10
Asphalt rakers, carbide core driller ops., saw ops., pipe-layers, jackhammer & paving breaker op., barco-type jumping tampers, laser beams op., concrete pump ops. & wagon drill ops., mason tenders, mortar mixers & ride-on motorized buggy ops. and plasterers tenders	8.00	.60	.70		.10
Air track op., block pavers, rammers & curb setters	8.25	.60	.70		.10
Blasters & powdermen	8.50	.60	.70		.10
Open air caison, cylindrical work & boring crew:					
Bottom man	8.50	.60	.70		.10
Top man	7.75	.60	.70		.10
Test boring:					
Driller	8.62	.60	.70		.10
Helper	7.87	.60	.70		.10
LEADBURNERS	9.25	.35		c	
MILLWRIGHTS	$10.45	.60	1.00		.07
PLUMBERS	10.20	.96	1.00	e	.10
ROOFERS:					
Composition, damp & waterproofing	9.185	.85	1.51		
Slate, tile, precast concrete	9.84	.85	1.51		
SHEET METAL WORKERS	9.76	.95	1.26		.03
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS I	7.75	.60	.70		.10
CLASS II	8.00	.60	.70		.10
CLASS III	8.25	.60	.70		.10
CLASS IV	8.50	.60	.70		.10

MODIFICATIONS P. 12

DECISION #MA77-3068 - Mod. # 3 (42 FR 44445 - September 2, 1977) Hampshire County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BRICKLAYERS, PLASTERERS, CEMENT MASONS, STONE MASONS, MARBLE TILE & TERRAZZO WORKER, CAULKER CLEANER, POINTERS	$10.05	.55	.80		.06
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
LABORERS: (BUILDING):					
Laborers, wrecking laborers, carpenters & cement finisher tenders	7.75	.60	.70		.10
Asphalt rakers, Carbide core driller ops., chain saw oprs., pipelayers, jackhammer & paving breaker op., barco-type jumping tampers, laser beams ops., concrete pumps ops. & wagon drill ops., mason tenders, mortar mixers & ridge on motorized buggy ops & plasterer tenders	8.00	.60	.70		.10
Air track ops., block pavers, rammers & curb setters	8.25	.60	.70		.10
Powderman and blasterers	8.50	.60	.70		.10
Open air caisson, underpinning work and boring crew: (entire county)					
Bottom man	8.50	.60	.70		.10
Top man	7.75	.60	.70		.10
Test boring:					
Driller	8.62	.60	.70		.10
Helper	7.87	.60	.70		.10
MILLWRIGHTS	10.45	.60	1.00		.07
PLUMBERS & STEAMFITTERS:					
Belchertown, Granby, Huntington Middlefield, South Hadley, Ware					
Plumbers	10.20	.96	1.00	d	.10
Steamfitters	10.68	.56	1.45	e	.03
Change:					
ROOFERS:					
Composition, damp, waterproof	$ 9.185	.85	1.51		
Slate, tile, precast concrete	9.84	.85	1.51		
SHEET METAL WORKERS	9.76	.95	1.26		.03
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS I	7.75	.60	.70		.10
CLASS II	8.00	.60	.70		.10
CLASS III	8.25	.60	.70		.10
CLASS IV	8.50	.60	.70		.10

MODIFICATIONS P. 13

DECISION #MA77-3069 - Mod. #1 (42 FR 54719 - October 7, 1977) Middlesex County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BRICKLAYERS, STONEMASONS:					
Ashland, Framingham, Holliston, Hopkington, Hudson, Sherborn, and Stow	$10.15	1.20	1.00		.08
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, N. Acton, Pepperell, Shirley, S. Acton, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford and Willmington	10.75	.90	.70		.06
All work, including demolition, repair and alteration of any existing structure which is intended for predominatly residential use:					
Newton	10.50	.60	1.25		.10
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester & Woburn	10.60	.75	1.00		.06
All work, including demolition, repair and alteration of any existing structure which is intended for predominatly residential use:					
Arlington, Cambridge, Everett, Malden, Melford, Melrose and Somerville	10.10	.85	1.10		.05
CARPENTERS & SOFT FLOOR LAYERS	10.40	.60	1.00		.07
CEMENT MASONS:					
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, WInchester and Woburn	10.45	1.15	.50		.10

MODIFICATIONS P. 14

DECISION #MA77-3069 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ELEVATOR CONSTRUCTORS	$11.50	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a+b	.025
IRONWORKERS	10.59	1.00	1.50		.06
LABORERS (BUILDING):					
Laborers, carpenters' tenders wrecking laborers	7.75	.60	.70		.10
Jackhammer ops, pavement breaker asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco type jumping tampers, laser beam ops, concrete pump ops, mason tenders, mortar mixers, rideon motor-fed buggy, fence & beam rail erectors	8.00	.60	.70		.10
Air track ops, block pavers, rammers, curb setters	8.25	.60	.70		.10
Blasterers, powdermen	8.50	.60	.70		.10
Open air caisson, cylindrical work and boring crew:					
Laborer and top man	7.75	.60	.70		.10
Helper	7.87	.60	.70		.10
Bottom man	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10
LATHERS:					
Remainder of County	10.55	.65	.55		
MILLWRIGHTS	10.45	.60	1.00		.07
PAINTERS:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn, Reading, N. Reading:					
New Construction:					
Brush, taper	10.06	.82	1.15		.04
Sandblasting, spray	11.06	.82	1.15		.04
Steel	12.18	.82	1.15		.04
Repaint, alterations, residential					
Brush	8.61	.82	1.15		.04
Sandblasting, spray	9.61	.82	1.15		.04
Steel	12.18	.82	1.15		.04

MODIFICATIONS P. 15

DECISION #MA77-3069 (Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
PAINTERS (CONT'D):					
Ashby, Ayer, Groton, Pepperell, Shirley and Townsend					
Brush	$10.06	.82	.95		.02
Sandblasting, spray	11.06	.82	.95		.02
Steel	12.18	.82	.95		.02
Repaint	8.61	.82	.95		.02
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Little, Lowell, Tewksbury, Tyngsboro, Westford and Wilmington:					
Brush, taping, paperhangers	8.90	1.18	.80		.04
Spray	9.65	1.18	.80		.04
Steel	9.70	1.18	.80		.04
Repaint	7.57	1.18	.80		.04
Residential - 1&2 family houses	5.00	1.18	.80		.04
PLUMBERS:					
Wilmington	10.77	1.10	.60		.02
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Laynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland & Weston	11.47	1.23	.85		.05
ROOFERS:					
Journeymen roofers	10.20	.70	1.55		.05
Re-roofing and repairs	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
SHEET METAL WORKERS	10.85	1.16	1.10		.06
STEAMFITTERS:					
Acton, Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester & Woburn	12.06	.94	1.20		.07

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

POWER EQUIPMENT OPERATORS, BUILDING, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

POWER EQUIPMENT OPERATORS, MARINE CONSTRUCTION SEE MODIFICATION PAGE NO. 23

DECISION #MA77-3070 - Mod. #3 (42 FR 37728 - July 22, 1977) Norfolk County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BRICKLAYERS; CEMENT MASONS; PLASTERERS & STONEMASONS:					
Dover, Needham & Wellesley	$10.20	.60	1.25		.08
Medfield, Medway & Mills	10.15	1.20	1.00		.08
Avon, Holbrook, Randolph & Stoughton	10.35	.85	1.15		.06
Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood & Wrentham	10.45	1.10	.80		.06
Braintree, Cohasset, N. Weymouth, Quincy, S. Weymouth & Weymouth	10.65	.85	.85		.06
BRICKLAYERS & STONE MASONS:					
Brookline & Milton	10.40	.85	1.10		.05
CARPENTERS AND SOFT FLOOR LAYERS:					
Remainder of County	10.40	.60	1.00		.07
CEMENT MASONS:					
Brookline & Milton	10.45	1.15	.50		.10
ELEVATOR CONSTRUCTORS	11.50	.745	.56	4%+a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	4%+a+b	.025
IRONWORKERS:					
Remainder of County	10.59	1.00	1.50		.06
LABORERS (BUILDING):					
Laborers, carpenter tenders, wrecking laborers	7.75	.60	.70		.10
Jackhammer op., pavement breaker, asphalt rakers, carbide core drilling machine, chain saw op., pipelayer, barco type jumping tamper, laser beam concrete pump, mason tender, mortar mixer, ride-on buggy, fence and beam rail erectors and plasterers' tenders	8.00	.60	.70		.10

DECISION #MA77-3070 - (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS (BUILDING) (CONT'D):					
Air track, block paver, rammer, curb setter	8.25	.60	.70		.10
Blasters, powdermen	8.50	.60	.70		.10
Open air caisson, cylindrical work & boring crew:					
Laborer, top man	7.75	.60	.70		.10
Helper	7.87	.60	.70		.10
Bottom men	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10
LATHERS	10.55	.65	.55		
MILLWRIGHTS	10.45	.60	1.00		.07
PAINTERS:					
Remainder of County:					
New Construction					
Brush, Taper	10.00	.82	1.15		.04
Steel	12.18	.82	1.15		.04
Spray	11.06	.82	1.15		.04
Repaint, Alternations & Residential					
Brush	8.61	.82	1.15		.04
Steel	12.18	.82	1.15		.04
Spray	9.61	.82	1.15		.04
PILEDRIVERMEN	10.45	.60	1.00		
PLUMBERS & STEAMFITTERS:					
Dover, Medfield, Medway, Wellesley	11.47	1.23	.85		.05
ROOFERS	10.20	.70	1.55		.05
Reroofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
SHEET METAL WORKERS	10.85	1.16	1.10		.06
STEAMFITTERS:					
Bellingham, Brookline, Canton, Dedham, Foxboro, Franklin, Medway, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Sharon, Walpole, Westwood & Wrentham	12.06	.94	1.20		.07

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, BUILDING, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, MARINE CONSTRUCTION SEE MODIFICATION PAGE NO. 23

DECISION NO. MA77-3071 - Mod. #3 (42 FR 37733 - July 22, 1977)
Plymouth County, Massachusetts

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Cement Masons and Stonemasons: Abington, Bridgewater, Brocton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Rockland, W. Bridgewater and Whitman	$10.35	.85	$1.15		.06
Bricklayers; Cement Masons; Plasterers and Stonemasons: Hingham, Hull, Scituate and the Islands of Quincy	10.65	.85	.85		.06
Lakeville	10.15	1.10	.80		.06
Marion, Mattapoisett, Rochester and Wareham	10.75	.80	.80		.06
Carpenters; Soft Floor Layers: Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland and Scituate	10.40	.60	1.00		.07
Remainder of County: All work over 1½ million including Residential	9.90	.60	1.00		.04
Work from $1 million-1½ million	9.13	.60	1.00		.04
Work from $500,000 - 1 million	8.655	.60	1.00		.04
Work from $200,000 - $500,000	7.71	.60	1.00		.04
Residential up to 4 stories & commercial up to $200,000	7.24	.60	1.00		.04
Elevator Constructors	11.50	.745	.56	4%+b+c	.025
Elevator Constructors' Helpers	70%JR	.745	.56	4%+b+c	.025
Ironworkers: Bridgewater, Brockton, Hanover, Hanson, Marfield, Norwell, Pembroke, Rockland, Scituate, W. Bridgewater and Whitman	10.59	1.00	1.50		.05
Laborers: (Building) Laborers, carpenter tenders, and wrecking laborers	7.75	.60	.70		.10
Jackhammer op.; Pavement breakers; Asphalt rakers, carbide core drilling machine; Chain saw ops.; Pipelayer; Barco type jumping tampers; Laser beam ops., concrete pump ops., mason tenders, mortar mixers, ride-on motorized buggy ops., fence and beam erectors	8.00	.60	.70		.10
Air track, block pavers, rammers, curb setters	8.25	.60	.70		.10

MODIFICATIONS P. 19

DECISION NO. MA77-3071 (Cont'd)

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Blasters, powderman	8.50	.60	.70		.10
Open air caisson, cylindrical work and boring crew: Laborer, Top man	7.75	.60	.70		.10
Helper	8.87	.60	.70		.10
Bottom Man	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10
Lathers	10.55	.65	.55		
Millwrights	10.35	.60	1.00		.07
Painters: Marion, Mattapoisett, Rochester and Wareham: Brush, rollers & taping	8.75	.70	.65		
Spray	10.00	.70	.65		
Steel	12.00	.70	.65		
Sandblasting, chipping hammer, power brush	10.25	.70	.65		
Paperhangers and vinyl installers	9.25	.70	.65		
Remainder of County: Brush, taper (new construction)	10.06	.82	1.15		.04
Steel (new construction)	12.18	.82	1.15		.04
Brush (repaint, alterations, residential)	8.61	.82	1.15		.04
Steel (repaint, alterations, residential)	12.18	.82	1.15		.04
Spray (repaint, alterations, residential)	9.61	.82	1.15		.04
Plumbers: Marion, Mattapoisett, Rochester Wareham	10.35	.76	1.16		.20
Roofers: Abington, Bridgewater, E. Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plymouth, Rockland, Scituate, W. Bridgewater	10.20	.70	1.55		.05
Reroofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
Sheet Metal Workers: Remainder of County	10.85	1.16	1.10		.06

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, BUILDING, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

DECISION NO. MA77-3072 - Mod. # 2
(42 FR 42070 - August 19, 1977)
Suffolk County, Massachusetts

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers and Stonemasons	10.40	.85	1.10		.09
Carpenters and Soft Floor Layers	10.40	.60	1.00		.07
Cement Masons	10.45	1.15	.50		.10
Elevator Constructors	11.50	.745	.56	4%+a+b	.025
Elevator Constructors' Helpers	70%JR	.745	.56	4%+a+b	.025
Ironworkers:					
Ornamental, reinforcing and structural	10.59	1.00	1.50		.06
Laborers (Building):					
Laborers, carpenter tenders, wrecking laborers	7.75	.60	.70		.10
Jackhammer op., Pavement breakers, Asphalt rakers, Carbide core drilling machine, Chain saw op., Pipelayer, Barco type jumping tampers; Laser beam, Concrete pump, Mason tenders, motorized mixers, Ride-on motorized buggy, Fence and beam rail erectors	8.00	.60	.70		.10
Air track, block pavers, Rammers curb setters	8.25	.60	.70		.10
Blasterers, powdermen	8.50	.60	.70		.10
Open air caisson, Cylindrical work and boring Crew:					
Laborer; Top man	$7.75	.60	.70		.10
Helper	7.87	.60	.70		.10
Bottom men	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10
Lathers	10.55	.65	.55		
Millwrights	10.45	.60	1.00		.07
Painters:					
Brush, New Construction	10.06	.82	1.15		.04
Structural Steel	12.18	.82	1.15		.04
Spray and sandblasting	11.06	.82	1.15		.04
Repaint, alterations					
Residential					
Brush	8.61	.82	1.15		.04
Structrual steel	12.18	.82	1.15		.04
Spray	9.61	.82	1.15		.04
Roofers:					
Journeyman mechanic	10.20	.70	1.55		.05
Reroofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
Sheet Metal Workers	10.88	1.15	1.10		.06
Steamfitters	12.06	.94	1.20		.07

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, BUILDING, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

DECISION #MA77-3073 - Mod. #3
(42 FR 46883 - September 16, 1977)
Worcester County, Massachusetts

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS, CEMENT MASONS, PLASTERERS AND STONEMASONS:					
Hopedale, Milford & Southboro	$10.15	1.20	1.00		.08
Ash burnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster and Winchendon	10.75	.90	.70		.06
Remainder of County	9.85	.70	.85		.02
CARPENTERS, SOFT FLOOR LAYERS:					
Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminister, Winchendon, Berlin, Bolton, Clinton, Northboro, Southboro, Westboro, Hopedale, Mendon, Milford, Upton, W. Upton	10.40	.60	1.00		.07
Hardwick, Warren, W. Brookfield	9.90	.45	.65		.02
Remainder of County	10.50	.50	1.00		.07
ELEVATOR CONSTRUCTORS	10.32	.445	.29	4%+a+b	.02
IRONWORKERS:					
Southboro	10.59	1.00	1.50		.06
Remainder of County	10.59	1.00	1.50		.06
LABORERS (BUILDING):					
Laborers, carpenter tenders and wrecking laborers	7.75	.60	.70		.10

MODIFICATIONS P. 22

DECISION #MA77-3073 - (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS (BUILDING) (Cont'):					
Jackhammer ops, pavement breakers, asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco type jumping tampers, laser beam, concrete pump, mason tenders, mortar mixers, ride-on motorized buggies, and fence and beam rail erectors	8.00	.60	.70		.10
Air track, block pavers, rammers and curb setters	8.25	.60	.70		.10
Blasterers and powdermen	8.50	.60	.70		.10
Open air caisson and cylindrical and work and boring crew:					
Laborer, topman	7.75	.60	.70		.10
Helper	7.87	.60	.70		.10
Bottom men	8.50	.60	.70		.10
Driller	8.62	.60	.70		.10
MILLWRIGHTS	10.45	.60	1.00		.07
PAINTERS:					
Remainder of County:					
Brush	10.06	.82	.95		.02
Steel	12.18	.82	.95		.02
Sandblasting; spray	11.06	.82	.95		.02
Repaint	8.61	.82	.95		.02
PIPEFITTERS:					
Pondville	12.06	.94	1.20		.07
PLUMBERS:					
Hopedale and Southboro	11.47	1.23	.85		.05
ROOFERS	10.00	1.12	.63		

LABORERS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION (REMAINDER OF COUNTY) SEE MODIFICATION PAGE NO. 23
POWER EQUIPMENT OPERATORS, HEAVY AND HIGHWAY CONSTRUCTION SEE MODIFICATION PAGE NO. 23

MODIFICATIONS P. 23

MA77-3073 (Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
CLASS I	$ 7.75	.60	.70		.10
CLASS II	8.00	.60	.70		.10
CLASS III	8.25	.60	.70		.10
CLASS IV	8.50	.60	.70		.10
POWER EQUIPMENT OPERATOR, BUILDING CONSTRUCTION:					
CLASS I	11.05	1.10	1.00	a	.03
CLASS II	10.93	1.10	1.00	a	.03
CLASS III	9.21	1.10	1.00	a	.03
CLASS IV	10.06	1.10	1.00	a	.03
CLASS V	8.14	1.10	1.00	a	.03
CLASS VI	8.64	1.10	1.00	a	.03
POWER EQUIPMENT OPERATOR, HEAVY & HIGHWAY CONSTRUCTION:					
GROUP 1	11.05	1.10	1.00	a	.03
GROUP 2	10.93	1.10	1.00	a	.03
GROUP 3	9.21	1.10	1.00	a	.03
GROUP 4	10.06	1.10	1.00	a	.03
GROUP 5	8.14	1.10	1.00	a	.03
GROUP 6	8.64	1.10	1.00	a	.03
POWER EQUIPMENT OPERATORS, MARINE CONSTRUCTION:					
GROUP I	11.05	1.10	1.00	a	.03
GROUP II	12.10	1.10	1.00	a	.03
GROUP III	11.00	1.10	1.00	a	.03
GROUP IV	10.93	1.10	1.00	a	.03
GROUP V	9.21	1.10	1.00	a	.03
GROUP VI	10.06	1.10	1.00	a	.03
GROUP VII	8.14	1.10	1.00	a	.03
GROUP VIII	8.64	1.10	1.00	a	.03

DECISION NO. MT77-5074 - Mod. #2 (42 FR 35552 - July 8, 1977) Statewide, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	$8.40				
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass Treasure, Wheatland (south of the City of Harlowtown), Wilbaux and Yellowstone Counties					
Brush, roller	8.73	.49	.20		
Spray (not steel), sandblaster	9.71	.49	.20		
Steel brush or roller	8.98	.49	.20		
Spray (structural steel and tanks), Sandblaster (structural steel and tanks)	9.96	.49	.20		
Broadwater, Gallatin, Jefferson (Northern area from a line running east and west five miles south of the southern City limits of Boulder), Lewis & Clark (southern portion from a line running east and west through the southern limits of Craig), Madison (east of the west City limits of Harrison), Meagher, Park, Powell (northern area from a line running east and west through the southern City limits of Helmsville)					
Brush, roller, high pressure wash	8.69	.35	.30		.03
Spraying	9.69	.35	.30		.03
Sandblasting, waterblasting	11.59	.35	.30		.03
Structural steel brush	10.19	.35	.30		.03
Structural steel spray	11.19	.35	.30		.03

DECISION NO. MT77-5074 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Deer Lodge and the southern part of Granite from a line east-west through the southern limits of Phillipsburg					
Painter	$8.02				
Paint mitts	8.52				
Perfataper	8.27				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints, water and sandblasting and steam cleaning, stacks and steeples, brushing of steel, spraying and airless spraying, work over 30 feet	10.80				
DECISION NO. NM77-4103 - Mod. #2 (42 FR 26169 - May 20, 1977) Statewide, New Mexico					
CHANGE:					
LINE CONSTRUCTION (STATEWIDE EXCEPT BERNALILLO COUNTY):					
Cable splicers	$10.51	.60	3%+.70		1/2%
Linemen-Technicians	9.82	.60	3%+.70		1/2%
Equipment operators	9.35	.60	3%+.70		1/2%
Equipment mechanics	9.58	.60	3%+.70		1/2%
Powderman	9.58	.60	3%+.70		1/2%
Groundman & Jackhammer operators:					
1st 6 months	5.31	.60	3%+.70		1/2%
2nd 6 months	5.99	.60	3%+.70		1/2%
Experienced	6.96	.60	3%+.70		1/2%
LINE CONSTRUCTION (BERNALILLO CO.)					
Cable splicers	9.65	.60	3%+.70		1/2%
Linemen-Technicians	9.00	.60	3%+.70		1/2%
Equipment operators	8.58	.60	3%+.70		1/2%
Equipment mechanics-Powderman	7.88	.60	3%+.70		1/2%
Groundmen & Jackhammer operators:					
1st 6 months	4.88	.60	3%+.70		1/2%
2nd 6 months	5.51	.60	3%+.70		1/2%
Experienced	6.36	.60	3%+.70		1/2%

DECISION NO. NM77-4218 - Mod. #4
(42 FR 45589 - September 9, 1977)
Statewide, New Mexico

CHANGE DESCRIPTION OF WORK TO READ "Building and Heavy Construction including residential construction in Santa Fe, Bernalillo, Rio Arriba, Taos, Sandoval and Valencia Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
LINE CONSTRUCTION (BERNALILLO COUNTY ONLY)					
Cable Splicers	$ 9.65	.60	1%+.60		1/2%
Linemen - technicians	9.00	.60	1%+.60		1/2%
Equipment operators	8.58	.60	1%+.60		1/2%
Equipment mechanics	7.88	.60	1%+.60		1/2%
Powderman	7.88	.60	1%+.60		1/2%
Groundmen and Jackhammer opers.					
1st 6 months	4.88	.60	1%+.60		1/2%
2nd 6 months	5.51	.60	1%+.60		1/2%
Experienced	6.36	.60	1%+.60		1/2%
LINE CONSTRUCTION(STATEWIDE EXCEPT BERNALILLO COUNTY)					
Cable splicers	10.51	.60	1%+.60		1/2%
Linemen - technicians	9.82	.60	1%+.60		1/2%
Equipment operators	9.35	.60	1%+.60		1/2%
Equipment mechanics	8.58	.60	1%+.60		1/2%
Powdermen	8.58	.60	1%+.60		1/2%
Groundmen and jackhammer oprs.:					
1st 6 months	5.31	.60	1%+.60		1/2%
2nd 6 months	5.99	.60	1%+.60		1/2%
Experienced	6.96	.60	1%+.60		1/2%
ADD:					
LINE CONSTRUCTION - AREA I					
AREA I-A					
Lineman-Technician	9.00	.60	3%+.60		1/2%
Cable splicers	9.65	.60	3%+.60		1/2%
Equipment operator, includes helicopter operator	8.58	.60	3%+.60		1/2%
Equipment mechanic, includes helicopter mechanic & Powderman	7.88	.60	3%+.60		1/2%
Groundman & Jackhammer operators					
1st 6 months	4.88	.60	3%+.60		1/2%
2nd 6 months	5.51	.60	3%+.60		1/2%
Experienced	6.36	.60	3%+.60		1/2%
AREA I-B					
Lineman-Technician	9.82	.60	3%+.60		1/2%
Cable splicers	10.51	.60	3%+.60		1/2%
Equipment operator, includes helicopter operator	9.35	.60	3%+.60		1/2%

DECISION NO. NM77-4218

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
AREA - I-B					
Equipment mechanic, includes helicopter mechanic & powderman	$ 8.58	.60	3%+.60		1/2%
Groundman & Jackhammer operators:					
1st 6 months	5.31	.60	3%+.60		1/2%
2nd 6 months	5.99	.60	3%+.60		1/2%
Experienced	6.96	.60	3%+.60		1/2%
LINE CONSTRUCTION - AREA II					
AREA II-A					
Lineman	10.50	.60	3%+.70		1/2%
Cable splicers	11.55	.60	3%+.70		1/2%
Equipment operators (includes helicopter operator)	9.98	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic) & powderman	9.14	.60	3%+.70		1/2%
Groundman & Jackhammer Operator:					
1st 6 months	5.67	.60	3%+.70		1/2%
2nd 6 months	6.41	.60	3%+.70		1/2%
Experienced	7.46	.60	3%+.70		1/2%
AREA II-B					
Lineman	11.24	.60	3%+.70		1/2%
Cable splicers	12.29	.60	3%+.70		1/2%
Equipment operators (includes helicopter operator)	10.72	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic) & powderman	9.14	.60	3%+.70		1/2%
Groundman and Jackhammer oper.:					
1st 6 months	6.41	.60	3%+.70		1/2%
2nd 6 months	7.15	.60	3%+.70		1/2%
Experienced	8.20	.60	3%+.70		1/2%
AREA II-C					
Lineman	11.87	.60	3%+.70		1/2%
Cable splicers	12.92	.60	3%+.70		1/2%
Equipment operator (includes helicopter operator)	11.35	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter operator)& powderman	10.51	.60	3%+.70		1/2%
Groundman & Jackhammer operator:					
1st 6 months	7.04	.60	3%+.70		1/2%
2nd 6 months	7.78	.60	3%+.70		1/2%
Experienced	8.83	.60	3%+.70		1/2%

DECISION NO. NM77-4218

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
AREA II-D					
Lineman	$12.60	.60	3%+.70		1/2%
Cable splicers	13.65	.60	3%+.70		1/2%
Equipment operator (includes helicopter operator)	11.35	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic)& powderman	11.24	.60	3%+.70		1/2%
Groundman and Jackhammer op.:					
1st 6 months	7.77	.60	3%+.70		1/2%
2nd 6 months	8.51	.60	3%+.70		1/2%
Experienced	9.56	.60	3%+.70		1/2%

LINE CONSTRUCTION AREA DEFINITION

AREA I - Line construction work for electric and telephone utilities, REA Co-ops, railroads and municipalities:
Area I-A - Bernalillo County
Area I-B - Statewide, except Bernalillo County

AREA II - Other Line Construction work including switching stations and sub-stations adjacent to power plants

Area II-A - From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.

Area II-B - Extending up to 20 miles beyond area II-A

Area II-C - Extending up to 30 miles from Area II-A

Area II-D - anything beyond 30 miles from Area II-A

All work in Los Alamos County use Area II-C rates.

Decision# NC76-1019 - Mod. # 3
(41 FR 4796 - January 30, 1976)
Carteret, Craven, Jones, Lenior Onslow, & Pamlico Counties North Carolina.

Change:

Decision # NC75-1019 - Mod. # 2 published September 30, 1977 in 42 FR-52888 to Decision # NC76-1019

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK77-4163 - Mod. #1 (42 FR 53094 - September 30, 1977) Garfield County, Oklahoma					
CHANGE:					
ELEVATOR CONSTRUCTORS	$10.11	.545	.35	2½%+a+b	.02
FOOTNOTES:					
A - 1st 6 months - none; 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate.					
GLAZIERS	8.95				
DECISION NO. OK77-4273 - Mod. #1 (42 FR 53091 - September 30, 1977) Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Oklahoma					
CHANGE:					
PLASTERERS	10.00				.01
ELEVATOR CONSTRUCTORS	10.11	.545	.35	2½%+a+b	.02
FOOTNOTES:					
A - 1st 6 mos. - none; 6 months to 5 yrs. 6%; over 5 years 8% of basic hourly rate.					
BRICKLAYERS (LOGAN COUNTY)	10.02	.50	.50		.05
GLAZIERS	8.95				
DECISION NO. OK77-4275 - Mod. #2 (42 FR 53097 - September 30, 1977) Comanche County, Oklahoma					
CHANGE:					
ELEVATOR CONSTRUCTORS	10.11	.545	.35	2½%+a+b	.02
FOOTNOTE:					
A - 1st 6 mos. - none; 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate.					
DECISION NO. OK77-4283 - Mod. #1 (42 FR 53106 - September 30, 1977) McIntosh County, Oklahoma					
CHANGE:					
ELEVATOR CONSTRUCTORS	10.40	.545	.35	4%+a+b	.02
FOOTNOTE:					
A - 1st 6 mos. - none; 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate.					

MODIFICATIONS P. 30

DECISION NO. OK77-4284 - Mod. #1 (42 FR 53109 - September 30, 1977) Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELEVATOR CONSTRUCTORS	$10.40	.545	.35	4%+a+b	.02
FOOTNOTE:					
A - 1st 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate.					
ADD:					
ELEVATOR CONSTRUCTORS:					
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (probationary)	50%JR				

DECISION NO. OK77-4278 - Mod. #1 (42 FR 53103 - September 30, 1977) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELEVATOR CONSTRUCTORS	10.40	.545	.35	4%+a+b	.02
FOOTNOTE:					
A - 1st 6 mos. none; 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate.					

MODIFICATIONS P. 31

DECISION #PA77-3023 - Mod. # 6 (42 FR 5640 - January 28, 1977) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Franklin & Mifflin Counties					
Journeyman Lineman	$10.76	.45	.107		.053
Experienced Winch Truck	7.49	.45	.074		.037
2nd 1000 hrs.	7.30	.45	.073		.036
1st 1000 hrs.	7.12	.45	.071		.035
Experienced Truck Driver	6.94	.45	.069		.034
2nd 1000 hrs.	6.76	.45	.067		.033
1st 1000 hrs.	6.58	.45	.065		.032
Experienced Groundman	6.40	.45	.064		.032
2nd 1000 hrs.	6.21	.45	.062		.031
1st 1000 hrs.	6.03	.45	.060		.030
Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington & Westmoreland Counties					
Journeyman Lineman	11.99	.45	1.19		.059
Experienced Winch Truck Operator	8.36	.45	.083		.041
2nd 1000 Hrs.	8.16	.45	.081		.040
1st 1000 Hrs.	7.96	.45	.079		.039
Experienced Truck Driver	7.76	.45	.077		.038
2nd 1000 Hrs.	7.56	.45	.075		.037
1st 1000 Hrs.	7.35	.45	.073		.036
Experienced Groundman	7.15	.45	.071		.035
2nd 1000 Hrs.	6.95	.45	.069		.034
1st 1000 Hrs.	6.75	.45	.067		.033
ADD:					
Line Construction:					
Butler, Cameron, Clinton, Crawford, Elk, Erie, Forest, Lawrence, McKean, Mercer, Venango, Warren and Pottet Counties:					
Journeyman Lineman	10.36	.35	.103		.031
Experienced Winch Truck	7.28	.35	.072		.022
2nd 6 Months	7.11	.35	.071		.021
1st 6 months	6.92	.35	.069		.021
Experienced Truck Driver	7.13	.35	.071		.021
2nd 6 Months	6.92	.35	.069		.021
1st 6 Months	6.76	.35	.067		.020
Experienced Groundman	6.97	.35	.069		.021
2nd 6 Months	6.76	.35	.067		.020
1st 6 Months	6.56	.35	.065		.020

DECISION #PA77-3043 - Mod. # 8 (42 FR 18783 - April 8, 1977) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Tile Setters Zone 3	$10.52	.60	.40		
Elevator Constructors	11.04	.745	.56	b+c	.025
Elevator Constructors Helpers	7.73	.745	.56	b+c	.025
Elevator Constructors Helpers (Prob.)	5.52				

FOOTNOTES:

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

DECISION #PA77-3050 - Mod. # 6 (42 FR 24669 - May 13, 1977) Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pa.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors	11.04	.745	.56	a+b	.025
Elevator Constructors Helpers	7.73	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.52				

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

DECISION #PA77-3056 - Mod. #7 (42 FR 24698 - May 13, 1977) Lehigh County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors	$11.41	.745	.56	a+b	.025
Elevator Constructors Helpers	7.99	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.705				

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

DECISION # PA77-3059 - Mod # 6 (42 FR 26176 - May 20, 1977) Luzerne County, Pennsylvania					
Change:					
Elevator Constructors	11.04	.745	.56	c+d	.025
Elevator Constructors Helpers	7.99	.745	.56	c+d	.025
Elevator Constructors Helpers (Prob.)	5.52				

FOOTNOTES:

c. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

d. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

MODIFICATIONS P. 34

DECISION #PA77-3060 - Mod. # 3 (42 FR 26179 - May 20, 1977)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne Wyoming & York Counties, Pennsylvania					
Change:					
LINE CONSTRUCTION:					
Adams, Cumberland, Dauphin, Juniata, Perry & York Counties, Pennsylvania					
Journeyman Lineman	$10.76	.45	3%		.053
Experienced Winch Truck	7.49	.45	3%		.037
2nd. 1000 Hrs.	7.30	.45	3%		.036
1st. 1000 Hrs.	7.12	.45	3%		.035
Experienced Truck Driver	6.94	.45	3%		.034
2nd. 1000 Hrs.	6.76	.45	3%		.033
1st. 1000 Hrs.	6.58	.45	3%		.032
Experienced Groundman	6.40	.45	3%		.032
2nd. 1000 Hrs.	6.21	.45	3%		.031
1st. 1000 Hrs.	6.03	.45	3%		.030
Easton, Northampton County					
Journeyman Lineman	12.43	.45	.124		.062
Experienced Winch Truck	8.66	.45	.086		.043
2nd 1000 hrs.	8.45	.45	.084		.042
1st 1000 hrs.	8.24	.45	.082		.041
Experienced Truck Driver	8.03	.45	.080		.040
2nd 1000 hrs.	7.82	.45	.078		.039
1st 1000 hrs.	7.61	.45	.076		.038
Experienced Groundman	7.40	.45	.074		.037
2nd 1000 hrs.	7.19	.45	.071		.035
1st 1000 hrs.	6.98	.45	.069		.034

MODIFICATIONS P. 35

DECISION #PA77-3060 -(Mod. # 3, Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Berks, Lancaster, Lebanon, and Lehigh Counties					
Journeyman Lineman	$11.46	.45	.114		.057
Experienced Winch Truck	7.98	.45	.079		.039
2nd 1000 hrs.	7.78	.45	.077		.038
1st 1000 hrs.	7.59	.45	.075		.037
Experienced Truck Driver	7.40	.45	.074		.037
2nd 1000 hrs.	7.20	.45	.072		.036
1st. 1000 hrs.	7.01	.45	.70		.035
Experienced Groundman	6.82	.45	.068		.034
2nd 1000 hrs.	6.62	.45	.066		.033
1st 1000 hrs.	6.43	.45	.064		.032
ADD:					
LINE CONSTRUCTION:					
Bradfrod, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming Counties, Pa.					
Journeyman Lineman	10.30	.35	.103		.031
Experienced Winch Truck	7.28	.35	.072		.022
2nd 6 Months	7.11	.35	.071		.021
1st 6 Months	6.92	.35	.069		.021
Experienced Truck Driver	7.13	.35	.071		.021
2nd 6 Months	6.92	.35	.069		.021
1st 6 Months	6.76	.35	.067		.020
Experienced Groundman	6.97	.35	.069		.021
2nd 6 Months	6.76	.35	.067		.020
1st 6 Months	6.56	.35	.065		.020

DECISION #PA77-3061 - Mod. #4 (42 FR 30133 - June 10, 1977) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, and Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons					
Zone 1	$10.97	.75	1.20		.01
Elevator Constructors	10.98	.745	.56	a+b	.025
Elevator Constructors Helpers	7.68	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.49				
Line Construction:					
Zone 1					
Linemen	11.99	.45	3%		3/8%
Winch Truck Op.	8.36	.45	3%		3/8%
Groundman	7.15	.45	3%		3/8%
Painters:					
Zone 1					
Commercial					
Brush	10.63	.70	.40		.03
Paperhanger	10.63	.70	.40		.03
Spray	11.13	.70	.40		.03
Industrial					
Brush	10.98	.70	.40		.03
Spray	11.48	.70	.40		.03
Zone 4					
Brush & Roller	8.85	.65	.40		.05
Spray	9.975	.65	.40		.05

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

DECISION #PA77-3128 - Mod. # 2 (42 FR 46901 - Sept., 16, 1977) Adams & York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors	$10.55	.745	.56	a+b	.025
Elevator Constructors Helpers	7.385	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.275				

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

DECISION #DC77-3108 - Mod. # 4 (42 FR 46905 - September 16, 1977) Washington, D. C.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BUILDING AND HEAVY CONSTRUCTION: (INCLUDING WMATA - RRTS)					
Elevator Constructors	$11.77	.745	.56	a+b	.025
Elevator Constructors Helpers	70%JR	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	50%JR				

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

DECISION #MD77-3109 - Mod. # 4 (42 FR 46872 - September 16, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D. C. Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria, Virginia					
Change:					
BUILDING CONSTRUCTION (INCLUDING WMATA - RRTS)					
Elevator Constructors	11.77	.745	.56	a+b	.025
Elevator Constructors Helpers	70%JR	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	50%JR				

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

MODIFICATIONS P. 38

DECISION #WV77-3101 - Mod. #5 (42 FR 37773 - July 22, 1977) State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas & Preston	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, Stone Masons, Marble Masons, Terrazzo Workers & Tile Layers:					
Area 1	$10.54		.40		
Area 6					
Bricklayers & Stone Masons	10.45	.60			
Marble Masons, Terrazzo Workers & Tile Layers	9.95	.60			
Carpenters & Piledrivermen:					
Area 5					
Carpenters	10.56	.40	.25		.02
Piledrivermen	10.81	.40	.25		.02
Area 7					
Carpenters	10.97	.50	.35		.02
Piledrivermen	11.22	.50	.35		.02
Area 8					
Carpenters	10.75	.50	.35		.02
Piledrivermen	11.00	.50	.35		.02
Area 9					
Carpenters	10.97	.50	.35		.02
Piledrivermen	11.22	.50	.35		.02
Cement Masons & Plasterers:					
Area 2	10.30				
Glaziers:					
Area 2	10.60		.70		
Ironworkers-Structural, Ornamental, & Reinforcing - Area 4	10.44	.60	.90		
Laborers:					
Area 2					
Group 1	7.86	.40	.40		.03
Group 2	8.16	.40	.40		.03
Group 3	8.51	.40	.40		.03
Area 6					
Group 1	8.00	.40	.40		.03
Group 2	8.30	.40	.40		.03
Group 3	8.65	.40	.40		.03
Lathers:					
Area 6	9.98		.15		.01

MODIFICATIONS P. 39

DECISION #WV77-3101 - (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Power Equipment Operators:					
Group 1	$11.32	.45	.55		.04
Group 2	10.82	.45	.55		.04
Group 3	10.42	.45	.55		.04
Group 4	10.02	.45	.55		.04
Group 5	9.32	.45	.55		.04
Sheet Metal Workers:					
Area 1	10.20		.25	2.00	.02
Area 5	10.34	.35	.44		.04
Soft Floor Layers:					
Area 6	10.16	.40	.25		.02
Add:					
Glaziers:					
Area 4					
Marshall, Ohio & Wetzel Counties	8.42	.60	.50		.01

[FR Doc.77-33088 Filed 11-17-77;8:45 am]

federal register

FRIDAY, NOVEMBER 18, 1977

PART X

THE PRESIDENT

■

IMPROVING GOVERNMENT REGULATIONS

Proposed Executive Order

presidential documents

[3195–01]

Title 3—The President

PROPOSED EXECUTIVE ORDER

Improving Government Regulations

AGENCY: The President.

ACTION: Proposed Executive Order.

SUMMARY: This draft Executive Order outlines the Administration's plan for improving the Federal regulatory process, a goal stated by the President early in his Administration.

The President issues this Executive Order in draft form to solicit public comment on the proposed procedures for issuing new regulations and revising or eliminating current regulations.

DATES: Comments must be received on or before December 18, 1977.

ADDRESSES:

Mail comments to:

Wayne G. Granquist
Associate Director for Management
and Regulatory Policy
Office of Management and Budget
Washington, D.C. 20503

Comments available for inspection:

Office of the Federal Register
Room 8401
1100 L St., NW.
Washington, D.C.
Monday-Friday, 8:45 a.m. to 5:15 p.m.

FOR FURTHER INFORMATION:

Stanley E. Morris
Deputy Associate Director
Regulatory Policy and Reports Management Division
Office of Management and Budget
Phone: 202–395–6176

SUPPLEMENTARY INFORMATION: President Carter is committed to assuring that Federal regulations are as effective, reasonable, and understandable as possible. As one step in achieving this goal, the President has decided to issue an Executive Order to reform the process by which agencies develop their regulations.

Too often, regulations are written in technical or legalistic terms which are not understood by those who must comply with them. They are sometimes issued without sufficient understanding of their consequences by agency officials and without adequate review and comment from other Federal agencies, State and local governments, and the general public. The purpose of the Executive Order would be to increase public and governmental participation in the development of regulations, to permit effective oversight of regulations by agency managers and to improve agency analysis and awareness of the consequences of their regulations.

In keeping with the spirit of the Executive Order, the Administration has decided to ask for public comment on the proposal. In addition to seeking comments from Departments and Agencies, the Office of Management and Budget has circulated the draft to congressional committee chairmen and ranking minority members and to several interest groups. Based on the comments received to date, the Order has been revised and redrafted.

A draft Executive Order is being published in the FEDERAL REGISTER for the first time in history in an effort to seek additional comments from individuals, organizations, and state and local governments. Additional comments on this draft are also solicited from Federal agencies.

In addition to general comments, particular attention is directed to the following questions:

1. Will the actions required of the agencies help to achieve more reasonable regulations? Will the Order help to assure a more open process for developing Federal regulations and more opportunities for a variety of viewpoints to be considered? Would you expect it to be easier to participate in agency decisionmaking based on these new requirements?

Some agencies have commented that the Order may create unnecessary delays and workload, and that current agency practices are sufficient to ensure adequate consideration of proposed regulations. Others believe that, although some delay could result from these requirements, these changes will produce more rational, understandable regulations and that the result would be an overall benefit to the American people. Regulations issued in response to emergency conditions would not be affected since the Administrative Procedure Act already includes an exemption for such a situation.

2. Should the procedures outlined in the Executive Order apply to the independent regulatory agencies? Would the regulations issued by those agencies benefit from increased public participation and improved agency analysis of the alternatives?

Several respondents asked for clarification as to whether or not the Order applied to the independent regulatory agencies. Therefore we are seeking public comment on this question.

3. What are the advantages and disadvantages of including regulations governing financial assistance programs in the coverage of the Executive Order? Should the process for developing these regulations be more open to participation by State and local governments, potential individual recipients, etc.? Should these regulations be subject to the same scrutiny as rules associated with Federal regulatory programs?

Several of the comments received on the earlier draft pointed out that financial assistance regulations are often by custom, subjected to the same procedures as the rules associated with Federal regulatory programs. Moreover, these regulations were identified as a major activity of the Federal Government that was in need of greater public participation and more careful analysis. The need for more effective opportunities for State and local governments to comment on proposed regulations was particularly stressed. The requirements of the Order complement the provisions of a September 9, 1977 Memorandum from the President to the Departments and Agencies on cutting red tape for Federal grant recipients and are designed to help meet the needs of State and local governments. Some respondents have suggested that the sections of the Executive Order providing for comment and review of proposed regulations may supersede the need for OMB Circular A–85 and the Circular may, therefore, be rescinded after issuance of this Order. If A–85 is rescinded, a Presidential implementing memorandum would be issued.

4. What criteria should be used to determine which agency regulations would be subjected to a regulatory analysis? Do the criteria in the draft Order provide adequate guidance to agencies in making this determination? Should specific dollar figures be added to the criteria?

The regulatory analysis sections of the Executive Order would supersede the Executive Orders requiring an economic impact statement on regulations (E.O. 11821 and E.O. 11949). In the past, economic impact statements were generally developed after the agency had selected the approach it would use in designing its regulations. The regulatory analysis, on the other hand, is intended to focus on the earlier portion of the development process as alternative approaches are being considered. The analysis we are seeking is not merely a justification for a particular regulation. Instead we believe it should be an integral part of the evaluation of possible alternative approaches to address the problem.

Several different criteria have been suggested regarding when a regulatory analysis would be required:

a. A single major cost to the economy criterion—either without a particular dollar amount attached or with the $100 million figure currently associated with economic impact statements.

b. A major cost or price increase to a single industry, level of government, geographic region, or elements of the population criterion. Suggestions have included either no specific numerical guidelines or a 5–10% figure for individual industries.

c. A criterion that would allow the head of an agency to require an analysis of any regulation for any reason at his or her discretion.

The current draft includes a combination of these criteria. Comments are specifically solicited on preferences for the criteria to be included in the final Order. If possible, discussion of stated choices should include consideration of what the criteria would mean to Federal assistance regulation.

WAYNE G. GRANQUIST,
Associate Director for
Management and Regulatory Policy.

Executive Order Improving Government Regulations

As President of the United States, I direct all Federal Departments and Agencies to adopt procedures to improve existing and future regulations.

SECTION 1. *Policy.* Regulations should be as simple and clear as possible. They should achieve legislative goals effectively and efficiently. They should not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments.

To achieve these objectives, regulations should be developed through a process which ensures that:

(a) the need for and purposes of the regulation are clearly established;

(b) heads of agencies and policy officials exercise effective oversight;

(c) opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, consumers, and other members of the public;

(d) meaningful alternatives are considered and analyzed before the regulation is issued;

(e) compliance costs, paperwork and other burdens on the public are minimized.

SEC. 2. *Coverage and Definitions.* This Order applies to significant regulations or sets of regulations issued by Federal Departments and Agencies (referred to in this Order as agencies) under the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553). It also applies to regulations that implement a financial assistance program. Each agency shall determine which of its regulations are to be covered by these requirements. The heads of agencies may delegate the determination to a senior policy official or to the official with statutory responsibility for a regulatory or financial assistance program. In determining which regulations are significant, agencies shall keep in mind that regulations have both direct and indirect effects. They shall consider among other things: (1) the compliance and reporting requirements likely to be involved; (2) the number of people or groups affected; (3) the type and number of businesses or institutions affected by the regulation; (4) the possible impact on small businesses and on competition; (5) the relationship of the regulations to those of other agencies; (6) the impact on state and local governments; and (7) the interest and priorities of Congress.

For purposes of this Order the public is defined as those consumers, large and small businesses, interest groups, State and local governments, and non-profit institutions directly, indirectly or administratively subject to or affected by the regulation.

SEC. 3. *Reform of the Development Process for Regulations.* Agencies shall review and revise their procedures for developing regulations. Each element in the process of developing, analyzing, reviewing, and issuing a regulation shall be consistent with the policies stated in this Executive Order.

While agencies may design their procedures to fit their own needs, agencies shall provide, at a minimum, for the following standard elements:

(a) *Semi-annual Agenda of Regulations.* In January and July agencies shall publish in the FEDERAL REGISTER an agenda of regulations. At a minimum, this agenda will describe in general terms the subject areas in which significant regulations are being considered by the agency and the status of pending regulatory proposals. It will also give the name and telephone number of a knowledgeable agency official to serve as a point of contact and, if it is possible to determine, state whether or not a regulatory analysis will be required.

The head of the agency shall approve the agenda before publication in the FEDERAL REGISTER. Supplements to the agenda may be published at other times during the year if necessary, but agencies should try to make the semi-annual agendas as complete as possible.

(b) *Work Plan.* As a preliminary step in developing a regulation, the agency head shall be provided a work plan. This work plan will be an internal paper which includes the following information:

(1) the problem to which the regulation is addressed;

(2) the objective to be accomplished by the regulation;

(3) the legal authority for the regulation;

(4) the name of the individual or organizational unit with primary responsibility for developing the regulation and the accountable policy official;

(5) a description of the major issues to be considered in developing the regulation and a discussion of the alternative approaches to be explored for solving the problem;

(6) a statement of whether or not a regulatory analysis is likely to be required;

(7) discussion of the probable reporting requirements that may be involved;

(8) a statement of how and when the public, the Congress, and other Federal agencies will have opportunities to participate in the development of the regulation;

(9) the tentative target dates for completing each step in the work plan.

(c) *Opportunity for Public Participation.* Agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations. Agencies shall observe the requirements for public notice established in 5 U.S.C. 553 for rulemaking actions. Agencies should also consider these procedures for regulations associated with financial assistance programs.

In addition, agencies should, in appropriate circumstances, provide a clear, concise notice of proposed regulations to publications likely to be read by those affected and to the extent practical, notify interested parties directly. Agencies may also publish an advance notice of proposed rulemaking to solicit public comments and suggestions on the contents of an upcoming notice of rulemaking and hold open conferences where a discussion among interested parties would help to narrow or clarify issues.

(d) *Approval of Regulations.* The head of each agency, or the official with statutory responsibility, shall approve all significant regulations before they are published in the FEDERAL REGISTER. At a minimum, the agency head or the official with statutory responsibility for the regulation, should:

(1) review the work plan and determine that the direct and indirect effects of the regulation have been adequately considered and that the least burdensome of the acceptable alternatives has been chosen;

(2) determine that the regulation is written clearly and is understandable to those subject to or affected by its provisions;

(3) assure an estimate has been made of the number of individuals and/or organizations that will be subject to new reporting burdens or recordkeeping requirements; and

(4) determine that a plan for evaluating the regulation after its issuance has been developed.

SEC. 4. *Regulatory Analysis.* Some of the regulations identified as significant may have major consequences for the general economy, for individual industries, geographical regions, levels of government, or specific elements of the population. For these regulations, agencies will prepare a regulatory analysis. Such an analysis will involve a careful examination of alternative approaches early in the decisionmaking process. This analysis will be available for public comment at the time the proposed regulations are published in the FEDERAL REGISTER to assure that this review is as thorough and productive as possible.

The following requirements shall govern the preparation of regulatory analyses.

(a) *Criteria.* Agency heads shall establish criteria for determining which of their regulations require regulatory analyses. These criteria should provide for the identification of regulations which:

(1) could produce a major effect on the general economy in terms of costs, consumer prices or production;

(2) could produce a major increase in costs or prices for individual industries, levels of government, geographic regions, or specific elements of the population;

(3) the agency head determines deserve such analysis.

(b) *Procedures.* Agency heads shall establish procedures for developing the regulatory analysis and obtaining public comment.

(1) Each regulatory analysis shall contain a succinct statement of the problem necessitating Federal action, the major alternative ways of dealing with the problem considered by the agency; an analysis of the economic consequences of the proposed regulation and major alternative approaches considered; and an assessment of the approach selected in relation to other alternatives.

(2) Agencies shall include in their public notices of proposed rules an explanation of the regulatory approach which has been selected or a short description of the other feasible alternatives and a statement announcing the availability of a draft regulatory analysis for public review.

(3) Agencies shall prepare a final regulatory analysis to be made available when the final regulations are published.

In view of these guidelines, Executive Orders 11821 and 11949 are revoked.

SEC. 5. *Review of Existing Regulations.* Agencies shall establish a process which assures periodic review of existing regulations to determine whether those regulations achieve the policy goals in Section 1. This process shall include, at a minimum, the standard elements for developing significant new regulations.

In determining priorities for which regulations or sets of regulations shall be reviewed, agencies shall consider the following criteria in addition to those provided in Section 3:

(a) the type and number of complaints received from other Federal agencies, State and local governments, and the public;

(b) the need for simplification and clarification;

(c) the potential for consolidating overlapping regulations;

(d) the need for eliminating conflicts and inconsistencies in their own regulations or those of other agencies;

(e) the length of time since the regulation has been evaluated;

(f) the continued importance of the problem the regulation was originally intended to solve.

The schedule for reviewing existing regulations shall be included in the semi-annual agendas published by the agencies.

SEC. 6. *Implementation.*

(a) Each agency shall review the process by which it has developed regulations in the past and design the necessary changes needed to achieve the policies in Section 1 of this Order. Each agency shall prepare a draft report setting forth any change in its process that it plans to make to comply with this Order and shall include discussion of the agency's criteria for preparation of a regulatory analysis. By February 15, 1978, each agency shall submit its draft report to the Office of Management and Budget for review and approval and shall publish information on its procedures in the FEDERAL REGISTER for comment.

(b) By February 15, 1978, each agency shall submit to OMB a list of the regulations selected for initial review in accordance with Section 5 of this Order. An announcement of the regulations selected and the reasons for the agency's choice should also be published in the FEDERAL REGISTER.

(c) The Office of Management and Budget shall assure the effective implementation of this Order. By May 1, 1980, OMB shall submit a report to the President on the effectiveness of the Order and recommend any further steps or actions necessary to achieve its purposes.

SEC. 7. Nothing in this Executive Order shall be considered to supersede existing statutory obligations governing rulemaking. Failure to comply with this Order shall not be considered a ground for judicial review or other judicial action.

SEC. 8. This Executive Order shall not apply to rulemaking proceedings in which notices of proposed rulemaking were issued before the date of this Order and which were still in progress on that date.

SEC. 9. Unless extended, this Executive Order expires on June 15, 1980.

[FR Doc.77-33571 Filed 11-17-77;1:14 pm]